

Bay Area Air Quality Management District

Draft Staff Report April 2003

Appendix A

Proposed Regulatory Language

Adoption of:

**BAAQMD Regulation 2: Permits,
Rule 5: New Source Review of Toxic Air Contaminants**

**BAAQMD Manual of Procedures
Volume II: Engineering Permitting Procedures,
Part 4: New and Modified Sources of Toxic Air Contaminants**

Amendments to:

**BAAQMD Regulation 2: Permits,
Rule 1: General Requirements**

BAAQMD Regulation 3: Fees

**BAAQMD Regulation 8, Organic Compounds,
Rule 40: Aeration of Contaminated Soils and Removal of Underground
Storage Tanks**

**REGULATION 2
PERMITS
RULE 5
NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS**

INDEX

2-5-100 GENERAL

- 2-5-101 Description
- 2-5-110 Exemption, Low Emission Levels
- 2-5-111 Limited Exemption, Emergency Standby Engines
- 2-5-112 Limited Exemption, Specific Findings

2-5-200 DEFINITIONS

- 2-5-201 Acute Hazard Index
- 2-5-202 Airborne Toxic Control Measure, or ATCM
- 2-5-203 Air Toxics Hot Spots Program
- 2-5-204 Best Available Control Technology for Toxics, or TBACT
- 2-5-205 Cancer Burden
- 2-5-206 Cancer Risk
- 2-5-207 Carcinogen
- 2-5-208 Chronic Hazard Index
- 2-5-209 Facility Risk
- 2-5-210 Health Risk
- 2-5-211 Health Risk Screening Analysis, or HRSA
- 2-5-212 Maximally Exposed Individual, or MEI
- 2-5-213 Maximum Achievable Control Technology, or MACT
- 2-5-214 Modified Source of Toxic Air Contaminants
- 2-5-215 Net-Project Health Risk Demonstration
- 2-5-216 New Source of Toxic Air Contaminants
- 2-5-217 Project
- 2-5-218 Project Risk
- 2-5-219 Receptor Location
- 2-5-220 Reference Exposure Level, or REL
- 2-5-221 Residential Receptor
- 2-5-222 Risk Reduction Measures
- 2-5-223 Risk Reduction Plan
- 2-5-224 Source Risk
- 2-5-225 Specific Findings Report
- 2-5-226 Toxic Air Contaminant, or TAC
- 2-5-227 Trigger Level
- 2-5-228 Worker Receptor

2-5-300 STANDARDS

- 2-5-301 Best Available Control Technology for Toxics (TBACT) Requirement
- 2-5-302 Project Risk Requirement
- 2-5-303 Risk Reduction Measures Requirement
- 2-5-304 Facility Risk Requirement

2-5-400 ADMINISTRATIVE REQUIREMENTS

- 2-5-401 Health Risk Screening Analysis Requirement
- 2-5-402 Health Risk Screening Analysis Guidelines
- 2-5-403 BACT/TBACT Workbook
- 2-5-404 Specific Findings Petition
- 2-5-405 Risk Reduction Plan
- 2-5-406 Specific Findings Report
- 2-5-407 Preliminary Decision
- 2-5-408 Publication and Public Comment
- 2-5-409 Final Decision

2-5-500 MONITORING AND RECORDS

- 2-5-501 Monitoring Requirements

2-5-600 MANUAL OF PROCEDURES

- 2-5-601 Emission Calculation Procedures
- 2-5-602 Baseline Emission Calculation Procedures
- 2-5-603 Health Risk Screening Analysis Procedures
- 2-5-604 Risk Reduction Plan Procedures
- 2-5-605 Specific Findings Report Procedures

**REGULATION 2
PERMITS
RULE 5
NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS**

2-5-100 GENERAL

2-5-101 Description: The purpose of this rule is to provide for the review of new and modified sources of toxic air contaminant emissions in order to evaluate potential public exposure and health risk, to mitigate potentially significant health risks resulting from these exposures, and to provide net health risk benefits by improving the level of control when existing sources are modified or replaced. The rule shall apply to all new and modified sources of toxic air contaminants that are subject to the requirements of Regulation 2, Rule 1, Sections 301 or 302. New and modified sources with Hazardous Air Pollutant emissions may also be subject to the Maximum Achievable Control Technology (MACT) requirement of Regulation 2, Rule 2, Section 317.

2-5-110 Exemption, Low Emission Levels: A source shall not be subject to the provisions of this rule if the total increase in emissions of each toxic air contaminant from all the new and modified sources in the project are below the trigger levels listed in Table 2-5-1.

2-5-111 Limited Exemption, Emergency Standby Engines: This rule shall not apply to toxic air contaminant emissions occurring from emergency use of emergency standby engines, as defined in Regulation 9, Rule 8, Section 231.

2-5-112 Limited Exemption, Specific Findings: The requirements of Section 2-5-302 shall not apply to any new or modified source of toxic air contaminants, provided that all of the following requirements have been met:

112.1 The specific findings petition requirement of Section 2-5-404.

112.2 The risk reduction measures requirement of Section 2-5-303.

112.3 The facility risk requirement of Section 2-5-304.

112.4 The specific findings report requirement of Section 2-5-406.

112.5 The publication and public comment requirement of Section 2-5-408.

112.6 The APCO, based on consideration of the specific findings report and any public comments received, is satisfied that the emissions from the proposed project would meet the requirement of Section 41700 of the California Health and Safety Code.

2-5-200 DEFINITIONS

2-5-201 Acute Hazard Index: An expression of non-cancer adverse health effects associated with short-term exposure to one or more toxic air contaminants. For a given toxic air contaminant, the hazard index is the ratio of the estimated short-term average exposure of the toxic air contaminant to its acute reference exposure level. Where multiple toxic air contaminants are being considered, the total acute hazard index is the sum of the individual acute hazard indices for all toxic air contaminants identified as affecting the same target organ or organ system.

2-5-202 Airborne Toxic Control Measure, or ATCM: Recommended methods and, where appropriate, a range of methods, that reduce, avoid, or eliminate the emissions of a toxic air contaminant established by the California Air Resources Board (CARB) pursuant to the Tanner Act, California Health and Safety Code beginning at Section 39650.

- 2-5-203 Air Toxics Hot Spots Program:** The Air Toxics “Hot Spots” Information and Assessment Act of 1987, California Health and Safety Code beginning at Section 44300.
- 2-5-204 Best Available Control Technology for Toxics, or TBACT:** For any new or modified source of toxic air contaminants, except cargo carriers, the more stringent of:
- 204.1 The most effective emission control device or technique which has been successfully utilized for the type of equipment comprising such a source; or
 - 204.2 The most stringent emission limitation achieved by an emission control device or technique for the type of equipment comprising such a source; or
 - 204.3 Any control device or technique or any emission limitation that the APCO has determined to be technologically feasible for the type of equipment comprising such a source, while taking into consideration the cost of achieving emission reductions, any non-air quality health and environmental impacts, and energy requirements; or
 - 204.4 The most stringent emission control for a source type or category specified as MACT by U.S. EPA, or specified in an ATCM by CARB. Under no circumstances shall the emission control required be less stringent than the emission control required by any applicable provision of federal, State or District laws, rules, regulations or requirements.
- 2-5-205 Cancer Burden:** An estimate of the increased number of cancer cases in a population due to lifetime exposure to emitted carcinogenic substances.
- 2-5-206 Cancer Risk:** An estimate of the probability (chance) that an individual will develop cancer at a given receptor location as a result of lifetime exposure to emitted carcinogens. Cancer risk for residential receptor locations shall be based on 70-year exposure duration. Cancer risk for worker receptor locations shall be based on 40-year exposure duration.
- 2-5-207 Carcinogen:** A substance that produces or incites cancer. For the purpose of this rule, a carcinogen is any compound for which Cal/EPA’s Office of Environmental Health Hazard Assessment (OEHHA) has established a cancer potency factor for use in the Air Toxics Hot Spots Program.
- 2-5-208 Chronic Hazard Index:** An expression of non-cancer adverse health effects associated with long-term exposure to one or more toxic air contaminants. For a given toxic air contaminant, the chronic hazard index is the ratio of the estimated annual average exposure of the toxic air contaminant to its chronic reference exposure level. Where multiple toxic air contaminants are being considered, total chronic hazard index is the sum of the individual chronic hazard indices for all toxic air contaminants identified as affecting the same target organ or organ system.
- 2-5-209 Facility Risk:** The health risk, resulting from the emissions of toxic air contaminants from all permitted sources at a given facility, determined based on emissions calculated pursuant to 2-5-601, as indicated by health risk screening analysis for the maximally exposed individual.
- 2-5-210 Health Risk:** The potential for adverse human health effects resulting from exposure to emissions of toxic air contaminants, that may range from relatively mild temporary conditions, such as eye or throat irritation, shortness of breath, or headaches, to permanent and serious conditions, such as birth defects, cancer or damage to lungs, nerves, liver, heart, or other organs. Measures of health risk include cancer risk, chronic hazard index, and acute hazard index.
- 2-5-211 Health Risk Screening Analysis, or HRSA:** An analysis of the measure of health risk for individuals in the affected population that may be exposed to emissions of one or more toxic air contaminants, determined in accordance with Section 2-5-603. This analysis utilizes conservative simplifying assumptions that ensure protection of public health and safety and considers multi-pathway exposures to a TAC, whenever appropriate. Site-specific information may be used to refine the HRSA, if appropriate.

- 2-5-212 Maximally Exposed Individual, or MEI:** A person that may be located at the receptor location where the highest exposure to toxic air contaminants emitted from a given source or project is predicted, as shown by an APCO-approved HRSA.
- 2-5-213 Maximum Achievable Control Technology, or MACT:** An emission standard promulgated by U.S. EPA pursuant to Section 112(d) of the Clean Air Act.
- 2-5-214 Modified Source of Toxic Air Contaminants:** For the purpose of this rule, any existing source that is a modified source as defined in Regulation 2, Rule 1, Section 234 and which, after January 1, 1987, undergoes a physical change, change in the method of operation of, increase in throughput or production, which results or may result in any of the following:
- 214.1 An increase of either the daily or annual emission level of any toxic air contaminant, or an increase in the production rate or capacity that is used to estimate the toxic air contaminant emission levels, that exceeds emission or production levels approved by the District in any authority to construct.
 - 214.2 An increase of either the daily or annual emission level of any toxic air contaminant, or the production rate or capacity that is used to estimate the toxic air contaminant emission levels, above levels contained in a permit condition in any current permit to operate or major facility review permit.
 - 214.3 For sources which have never been issued a District authority to construct, and which do not have conditions limiting daily or annual toxic air contaminant emissions, an increase of either the daily or annual emission level of any toxic air contaminant, or the production rate or capacity that is used to estimate the emission level, above the lowest of the following:
 - 3.1 The highest of the following:
 - 3.1.1 The highest attainable design capacity, as shown in pre-construction design drawings, including process design drawings and vendor specifications.
 - 3.1.2 The capacity listed in the District permit to operate.
 - 3.1.3 The highest documented actual levels attained by the source prior to {insert date of rule adoption}.
 - 3.2 The capacity of the source, as limited by the capacity of any upstream or downstream process that acts as a bottleneck (a grandfathered source with an emission increase due to debottlenecking is considered to be modified).For the purposes of applying Section 2-5-214.3, only increases in annual emission levels shall be considered for storage vessels.
 - 214.4 The emission of any toxic air contaminant not previously emitted in a quantity that would result in a cancer risk greater than 1.0 in a million (10^{-6}) and/or a chronic hazard index greater than 0.2.
- For the purposes of applying this definition, a daily capacity may be converted to an annual capacity or limit by multiplication by 365 days/year.
- 2-5-215 Net-Project Health Risk Demonstration:** An analysis that shows, to the satisfaction of the APCO, that the net difference in the health risks between the post-project and pre-project scenarios will not exceed any project risk limit specified in Section 2-5-302 at all receptor locations. For the pre-project scenario, the health risks shall be determined for any existing sources that will be shut-down or curtailed, or for any sources where emissions or health risks will be reduced due to implementation of risk reduction measures, based on the use of adjusted baseline emissions calculated in accordance with Section 2-5-602. For the post-project scenario, the health risks shall be determined for the same existing sources, but based on the use of new emission cap or emission rates accepted by the applicant as enforceable limiting conditions. In addition, the health risks for the post-project scenario shall include emissions from all new and modified sources in the project, based on emissions calculated in accordance with Section 2-5-601. The pre-project health risks shall be determined using the same methodology as the post-project

health risks, or health risk screening procedures that are no less refined than the procedures used to determine the post-project health risks.

2-5-216 New Source of Toxic Air Contaminants: For the purposes of this rule, any source of toxic air contaminant emissions that meets at least one of the following criteria, except sources that lose a permit exemption or exclusion in accordance with Regulations 2-1-424 or 2-1-425:

216.1 Any source constructed or proposed to be constructed after January 1, 1987 but which never had a valid District authority to construct or permit to operate.

216.2 Any source which was not in operation for a period of one year or more and did not hold a valid District permit to operate during this period of non-operation, occurring after January 1, 1987.

216.3 Any relocation of an existing source to a non-contiguous property, except for a portable source, occurring after January 1, 1987.

216.4 Any replacement of a source, including an identical replacement of a source, occurring after January 1, 1987, regardless of when the original source was constructed.

216.5 Any replacement of an identifiable source within a group of sources permitted together under a single source number for the purpose of District permitting convenience, occurring after January 1, 1987.

216.6 Any "rebricking" of a glass furnace where changes to the furnace design result in a change in heat generation or absorption, occurring after January 1, 1987.

2-5-217 Project: Any source, or group of sources, at a facility that: (a) is part of a proposed construction or modification, (b) is subject to the requirements of Regulation 2-1-301 and/or 302, and (c) emits one or more toxic air contaminants. All new or modified sources of toxic air contaminants included in a single permit application will be considered as a project. In addition, in order to discourage circumvention which might be achieved by breaking a project into smaller pieces and submitting more than one permit application over a period of time, a project shall include any new or modified sources of toxic air contaminants at a facility that have been permitted within the two-year period immediately preceding the date a complete application is received, unless the applicant can demonstrate to the satisfaction of the APCO that the sources are not related by a functional or business purpose (i.e., the operation of one source does not depend on, or affect, the operation of another source). For modified sources, any consecutive modifications of a source (e.g., increasing a source's permitted throughput), occurring after January 1, 1987, shall be considered together as a project.

2-5-218 Project Risk: The health risk, resulting from the increase in emissions of toxic air contaminants from a given project, as indicated by an HRSA for the MEI.

2-5-219 Receptor Location: Any location at which a person, excluding workers at the facility being evaluated, could reasonably be expected to be exposed to toxic air contaminants for the particular chronic and/or acute exposures being evaluated in an HRSA. Receptor locations used for evaluating cancer risk and chronic hazard index are sites where an individual may live (residential receptor) or work (worker receptor). The APCO shall consider the potential for public exposure in determining appropriate receptor locations.

2-5-220 Reference Exposure Level, or REL: The air concentration or exposure level at or below which no adverse non-cancer health effects are anticipated to occur in the general human population.

2-5-221 Residential Receptor: Any receptor location where an individual may reside for a period of six months or more out of a year.

2-5-222 Risk Reduction Measures: The use of any article, machine, equipment, or other device, or the change of any operating procedure, production process, feedstock, product, fuel, solvent, or other material that will reduce or eliminate toxic air contaminant emissions, or will otherwise reduce human exposure to toxic air

contaminant emissions. Risk reduction measures may include but are not limited to: (a) feedstock modifications, (b) product reformulations, (c) production system modifications, (d) material substitutions (e.g. using petroleum dry cleaning solvents to replace perchloroethylene), (e) system enclosure or emissions capture, (f) emissions control or conversion, and (g) operational standards and practices modifications (e.g. increased stack height or source relocation).

2-5-223 Risk Reduction Plan: A written summary of risk reduction measures that are reasonably available to reduce project or facility risk. A risk reduction plan must include the information specified in Section 2-5-405.

2-5-224 Source Risk: The health risk resulting from: (a) the emissions of all toxic air contaminants from a new source of toxic air contaminants, or (b) the increase in emissions of all toxic air contaminants from a modified source of toxic air contaminants, as indicated by an HRSA for the MEI.

2-5-225 Specific Findings Report: A written summary of information regarding a project with emissions of toxic air contaminants that is used by the APCO in determining whether to issue or deny a permit for projects that do not meet the project risk limits of Section 2-5-302. A specific findings report must include the information specified in Section 2-5-406.

2-5-226 Toxic Air Contaminant, or TAC: An air pollutant, which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1.

2-5-227 Trigger Level: The emission threshold level for each TAC listed in Table 2-5-1 below which the resulting health risks are not expected to cause, or contribute significantly to, adverse health effects. The acute and chronic trigger levels listed in Table 2-5-1 are based on de minimis health risks using conservative assumptions regarding how emissions are released to the atmosphere, how they are transported and dispersed to off-site locations, and the duration of a person's exposure.

2-5-228 Worker Receptor: Any receptor location that is an occupational setting or place where an individual may work and that is located outside of the property boundary of the facility being evaluated.

2-5-300 STANDARDS

2-5-301 Best Available Control Technology for Toxics (TBACT) Requirement: The applicant shall apply TBACT to any new or modified source of TACs where the source risk is a cancer risk greater than 1.0 in one million (10^{-6}), and/or a chronic hazard index greater than 0.2.

2-5-302 Project Risk Requirement: Except as provided in Section 2-5-112, the APCO shall deny an Authority to Construct or Permit to Operate for any new or modified source of TACs if the project risk exceeds any of the following project risk limits:

302.1 A cancer risk of 10.0 in one million (10^{-5}).

302.2 A chronic hazard index of 1.0.

302.3 An acute hazard index of 1.0.

2-5-303 Risk Reduction Measures Requirement: For any project where the project risk exceeds any project risk limit specified in Section 2-5-302, the applicant shall, in addition to meeting the TBACT requirement of Section 2-5-301, implement all risk reduction measures determined by the APCO to be reasonable. Risk reduction measures shall be implemented for the new and modified sources of TACs in the project and, unless a net-project health risk demonstration is made, shall also be implemented for all other existing permitted sources of TACs at the facility.

2-5-304 Facility Risk Requirement: For any project where the project risk exceeds any project risk limit specified in Section 2-5-302, the APCO shall deny an Authority to Construct or Permit to Operate for any new or modified source of TACs if the facility risk exceeds any of the following facility risk limits:

- 304.1 A cancer risk of 100 in one million (10^{-4}).
- 304.2 A cancer burden of 1.0.
- 304.3 A chronic hazard index of 10.0.
- 304.4 An acute hazard index of 10.0.

2-5-400 ADMINISTRATIVE REQUIREMENTS

- 2-5-401 Health Risk Screening Analysis Requirement:** An application for an Authority to Construct or Permit to Operate for any project subject to this rule shall contain an HRSA conducted in accordance with Section 2-5-603, or the information necessary for the APCO to conduct an HRSA. The APCO shall prepare an HRSA where the applicant submits none. The APCO shall notify the applicant where the results of an HRSA completed by the APCO indicate that the project, as proposed, would not meet the requirements of this rule. The applicant shall be given the opportunity to perform a more refined HRSA, modify the project, and/or submit any required plans or information, as necessary to comply with the requirements of this rule.
- 2-5-402 Health Risk Screening Analysis Guidelines:** The APCO shall publish and periodically update Health Risk Screening Analysis Guidelines that specify the procedures to be followed for determining health risks including acute hazard index, chronic hazard index, cancer risk, and cancer burden. Whenever possible, these guidelines will conform to the Health Risk Assessment Guidelines adopted by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) for use in the Air Toxics Hot Spots Program.
- 2-5-403 BACT/TBACT Workbook:** The APCO shall publish and periodically update a BACT/TBACT Workbook specifying the requirements for commonly permitted sources. TBACT will be determined for a source by using the workbook as a guidance document or, on a case-by-case basis, using the most stringent definition of Section 2-5-204.
- 2-5-404 Specific Findings Petition:** Any applicant seeking a limited exemption pursuant to Section 2-5-112 shall comply with all of the following requirements:
- 404.1 The applicant shall submit a written petition to the APCO requesting that the project be subject to the Section 2-5-112 specific findings limited exemption and that the APCO prepare a specific findings report pursuant to Section 2-5-406.
 - 404.2 The applicant shall submit a risk reduction plan in accordance with Section 2-5-405.
 - 404.3 The applicant shall, within the time period specified by the APCO, submit any additional information that is necessary for the APCO to prepare the specific findings report required by Section 2-5-406.
- 2-5-405 Risk Reduction Plan:** For any project where the project risk exceeds any project risk limit specified in Section 2-5-302, the application for an Authority to Construct or Permit to Operate shall contain a risk reduction plan. The risk reduction plan shall address the new and modified sources of TACs in the project and, unless a net-project health risk demonstration is made, shall also address all other existing permitted sources of TACs at the facility. The risk reduction plan shall be prepared in accordance with Section 2-5-604 and shall contain all of the following:
- 405.1 A list of all risk reduction measures considered by the applicant.
 - 405.2 A list of all risk reduction measures that the applicant proposes to implement and a schedule for the expeditious implementation of each measure.
 - 405.3 For each risk reduction measure that the applicant does not propose to implement, the applicant shall provide the rationale for not implementing the measure. This rationale shall include all supporting documentation necessary to justify the applicant's conclusion that a measure was infeasible, too costly, or otherwise not reasonable.
- 2-5-406 Specific Findings Report:** The APCO shall prepare a specific findings report for a project if the applicant has requested that the project be subject to the Section 2-5-

112 specific findings limited exemption and has satisfied all requirements of the Section 2-5-404 specific findings petition. A specific findings report shall be prepared in accordance with Section 2-5-605 and shall include all of the following information:

- 406.1 The results of the HRSA completed for the project under this rule.
- 406.2 A discussion of the uncertainty in the HRSA completed for the project under this rule.
- 406.3 The period of time over which the emissions from the project are expected to occur.
- 406.4 For acute non-cancer health risks, the frequency at which an acute hazard index greater than 1.0 is expected to occur and a summary of the severity of these potential adverse health effects, if this information is available.
- 406.5 The existing air quality of the project area, based on available information.
- 406.6 The location of the project relative to any hospital, day-care center, or school.
- 406.7 A summary of the risk reduction measures required by the APCO to meet the requirement of Section 2-5-303.
- 406.8 The results of a net-project health risk demonstration, if applicable.
- 406.9 The results of the HRSA completed for the facility, if applicable.
- 406.10 Any federal, state, or local mandates that require the permit applicant to install the proposed new and modified source(s).
- 406.11 Any benefits that the project would have on the local community.
- 406.12 The findings of the Lead Agency for the proposed project under the California Environmental Quality Act (CEQA).
- 406.13 Any other information that the APCO determines to be relevant in making a risk management decision for the proposed project.

2-5-407 Preliminary Decision: For any project subject to Section 2-5-406, the APCO shall, based on consideration of the specific findings report, make a preliminary decision as to whether an Authority to Construct and/or Permit to Operate shall be approved or denied, within 90 days following the acceptance of an application as complete or, with the consent of the applicant, such longer period as may be agreed upon. Final action on the application will be taken in accordance with the requirements of Section 2-5-409.

2-5-408 Publication and Public Comment: For any project subject to Section 2-5-407, the APCO shall, within 10 days of notice to the applicant, cause to have published in at least one newspaper of general circulation within the District, and post on the District website, notice inviting written comment for a 30-day period following the date of publication that a preliminary decision to issue or deny an Authority to Construct and/or Permit to Operate has been made. During this period, which may be extended by the APCO, the APCO may elect to hold a public meeting to receive verbal comment from the public. A written notice of the preliminary decision shall also be prepared and distributed to each address located within the area for which the project risk exceeds any of the project risk limits specified in Section 2-5-302, and any other person who requests such specific notification in writing. Failure of any person to receive the notice shall not affect the validity of the authority to construct and/or permit to operate issued by the APCO, if the APCO has made a good faith effort to follow prescribed procedures for distributing the notices.

2-5-409 Final Decision: For any project subject to Section 2-5-407, the APCO shall take final action on the application after considering all public comments, within 180 days following the acceptance of an application as complete, or with the consent of the applicant, such longer period as may be agreed upon. Written notice of the final decision shall be provided to the applicant and to any person who requests such specific notification in writing. The final action shall be published in at least one newspaper of general circulation within the District and shall be posted on the District website.

2-5-500 MONITORING AND RECORDS

2-5-501 Monitoring Requirements: The APCO may impose any monitoring or record keeping requirements deemed necessary to ensure compliance with this rule.

2-5-600 MANUAL OF PROCEDURES

2-5-601 Emission Calculation Procedures: Emission calculations shall include emissions resulting from routine operation of a source or emissions that are predictable, including, but not limited to continuous and intermittent releases and predictable process upsets or leaks, subject to enforceable limiting conditions. The APCO shall determine annual TAC emissions (expressed as pounds per year), to be used for comparison with chronic trigger levels and in estimating cancer risk and chronic hazard index, and one-hour TAC emissions (expressed as pounds per hour), to be used for comparison with acute trigger levels and in estimating acute hazard index, from:

601.1 A new source based on the maximum emitting potential of the new source or the maximum permitted emission level of the new source, approved by the APCO, subject to enforceable limiting conditions.

601.2 A modified source based on:

2.1 For one-hour emissions, the maximum emitting potential of the modified source or the maximum permitted emission level of the modified source, approved by the APCO, subject to enforceable limiting conditions.

2.2 For annual emissions, by subtracting the adjusted baseline emission rate, as calculated using the methodology in Section 2-5-602, from the new maximum permitted emission level of the modified source, approved by the APCO, subject to enforceable limiting conditions.

601.3 A project by summing the emission increases from all new and modified sources of TACs that are considered part of the project pursuant to Section 2-5-217.

601.4 A facility based on the maximum emitting potential of all permitted sources at the facility, approved by the APCO, subject to enforceable limiting conditions and after implementation of the proposed project, any required risk reduction measures, and any source shut-downs or curtailments.

2-5-602 Baseline Emission Calculation Procedures: The following methodology shall be used to calculate baseline emissions for modified sources of TACs and, in making a net-project health risk demonstration for existing sources where emissions and/or health risks will be reduced.

602.1 For a source which has, contained in a permit condition, an emission cap or emission rate limit, the baseline throughput and baseline emission rate (expressed in the units of mass of emissions per unit of throughput) shall be based on the levels allowed by the permit condition.

602.2 For sources with no existing permit conditions that limit emissions, baseline throughput and emission rate shall be determined as follows:

2.1 The baseline period consists of the 3 year period immediately preceding the date that the application is complete (or shorter period if the source is less than 3 years old). The applicant must have sufficient verifiable records of the source's operation to substantiate the emission rate and throughput during the entire baseline period.

2.2 Baseline throughput is the lesser of:

2.2.1 Actual average throughput during the baseline period; or

2.2.2 Average permitted throughput during the baseline period, if limited by permit condition.

2.3 Baseline emission rate (expressed in the units of mass of emissions per unit of throughput) is the average actual emission rate during the baseline period. Periods where the actual emission rate exceeded regulatory or permitted limits shall be excluded from the average.

602.3 The adjusted baseline emission rate shall be determined by adjusting the baseline emission rate downward, if necessary, to comply with the most stringent emission rate or emission limit from a MACT, ATCM, or District rule or regulation that is applicable to the type of source being evaluated and that is in effect, has been adopted by U.S. EPA, CARB, or the District, or is contained in the most recently adopted Clean Air Plan for the District.

602.4 The adjusted baseline emissions shall be the adjusted baseline emission rate times the baseline throughput.

2-5-603 Health Risk Screening Analysis Procedures: Any HRSA shall be prepared following the District's Health Risk Screening Analysis Guidelines.

2-5-604 Risk Reduction Plan Procedures: Any risk reduction plans shall be prepared following the procedures set forth in the Manual of Procedures, Volume II, Part 4.

2-5-605 Specific Findings Report Procedures: Any specific findings report shall be prepared in accordance with the procedures set forth in the Manual of Procedures, Volume II, Part 4.

Table 2-5-1 Toxic Air Contaminant Trigger Levels

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|--|-------------------------|---|--|
| Acetaldehyde | 75-07-0 | NA | 6.8E+01 |
| Acetamide | 60-35-5 | NA | 9.7E+00 |
| Acrolein | 107-02-8 | 4.2E-04 | 2.3E+00 |
| Acrylamide | 79-06-1 | NA | 1.5E-01 |
| Acrylic acid | 79-10-7 | 1.3E+01 | 3.9E+01 |
| Acrylonitrile | 107-13-1 | NA | 6.8E-01 |
| Allyl chloride | 107-05-1 | NA | 3.2E+01 |
| Aminoanthraquinone, 2- | 117-79-3 | NA | 2.0E+01 |
| Ammonia | 7664-41-7 | 7.1E+00 | 7.7E+03 |
| Aniline | 62-53-3 | NA | 3.9E+01 |
| Antimony compounds | 7440-36-0 | NA | 7.7E+00 |
| antimony trioxide | 1309-64-4 | NA | 7.7E+00 |
| Arsenic and compounds (inorganic) ^{3,4} | 7440-38-2 | 4.2E-04 | 1.2E-02 |
| arsine | 7784-42-1 | 3.5E-01 | 1.9E+00 |
| Asbestos ⁵ | 1332-21-4 | NA | 3.0E-03 |
| Benzene ³ | 71-43-2 | 2.9E+00 | 6.8E+00 |
| Benzidine (and its salts) | 92-87-5 | NA | 1.4E-03 |
| benzidine based dyes | | NA | 1.4E-03 |
| direct black 38 | 1937-37-7 | NA | 1.4E-03 |
| direct blue 6 | 2602-46-2 | NA | 1.4E-03 |
| direct brown 95 (technical grade) | 16071-86-6 | NA | 1.4E-03 |
| Benzyl chloride | 100-44-7 | 5.3E-01 | 4.0E+00 |
| Beryllium and compounds ⁴ | 7440-41-7 | NA | 8.1E-02 |
| Bis(2-chloroethyl)ether (Dichloroethyl ether) | 111-44-4 | NA | 2.7E-01 |
| Bis(chloromethyl)ether | 542-88-1 | NA | 1.5E-02 |
| Bromine and compounds | 7726-95-6 | NA | 6.6E+01 |
| Bromine pentafluoride | 7789-30-2 | NA | 6.6E+01 |
| hydrogen bromide | 10035-10-6 | NA | 9.3E+02 |
| potassium bromate | 7758-01-2 | NA | 1.4E+00 |
| Butadiene, 1,3- | 106-99-0 | NA | 1.1E+00 |
| Cadmium and compounds ⁴ | 7440-43-9 | NA | 4.5E-02 |
| Carbon disulfide ³ | 75-15-0 | 1.4E+01 | 3.1E+04 |
| Carbon tetrachloride ³ (Tetrachloromethane) | 56-23-5 | 4.2E+00 | 4.5E+00 |
| Chlorinated paraffins | 108171-26-2 | NA | 7.6E+00 |
| Chlorine | 7782-50-5 | 4.6E-01 | 7.7E+00 |
| Chlorine dioxide | 10049-04-4 | NA | 2.3E+01 |
| Chloro-o-phenylenediamine, 4- | 95-83-0 | NA | 4.2E+01 |
| Chloroacetophenone, 2- | 532-27-4 | NA | 1.2E+00 |
| Chlorobenzene | 108-90-7 | NA | 3.9E+04 |

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|---|-------------------------|---|--|
| Chlorodifluoromethane (Freon 22) [see Fluorocarbons] | | | |
| Chlorofluorocarbons [see Fluorocarbons] | | | |
| Chloroform ³ | 67-66-3 | 3.3E-01 | 3.6E+01 |
| Chlorophenol, 2- | 95-57-8 | NA | 7.0E+02 |
| Chloropicrin | 76-06-2 | 6.4E-02 | 1.5E+01 |
| Chloroprene | 126-99-8 | NA | 3.9E+01 |
| Chloro-o-toluidine, p- | 95-69-2 | NA | 2.5E+00 |
| Chromium, (hexavalent, 6+) ⁴ | 18540-29-9 | NA | 1.3E-03 |
| barium chromate ⁴ | 10294-40-3 | NA | 1.3E-03 |
| calcium chromate ⁴ | 13765-19-0 | NA | 1.3E-03 |
| lead chromate ⁴ | 7758-97-6 | NA | 1.3E-03 |
| sodium dichromate ⁴ | 10588-01-9 | NA | 1.3E-03 |
| strontium chromate ⁴ | 7789-06-2 | NA | 1.3E-03 |
| Chromium trioxide (as chromic acid mist) | 1333-82-0 | NA | 1.3E-03 |
| Copper and compounds | 7440-50-8 | 2.2E-01 | 9.3E+01 |
| Cresidine, p- | 120-71-8 | NA | 4.5E+00 |
| Cresols (m-, o-, p-) | 1319-77-3 | NA | 2.3E+04 |
| Cupferron | 135-20-6 | NA | 3.1E+00 |
| Cyanide and compounds (inorganic) | 57-12-5 | 7.5E-01 | 3.5E+02 |
| hydrogen cyanide (hydrocyanic acid) | 74-90-8 | 7.5E-01 | 3.5E+02 |
| Diaminoanisole, 2,4- | 615-05-4 | NA | 2.9E+01 |
| Diaminotoluene, 2,4- | 95-80-7 | NA | 1.7E-01 |
| Dibromo-3-chloropropane, 1,2- (DBCP) | 96-12-8 | NA | 9.7E-02 |
| Dichlorobenzene, 1,4- | 106-46-7 | NA | 1.7E+01 |
| Dichlorobenzidine, 3,3- | 91-94-1 | NA | 5.6E-01 |
| Dichloroethane, 1,1- (Ethylidene dichloride) | 75-34-3 | NA | 1.2E+02 |
| Dichloroethylene, 1,1- [see vinylidene chloride] | | | |
| Diesel exhaust particulate matter ⁶ | | NA | 6.1E-01 |
| Diethanolamine | 111-42-2 | NA | 1.2E+02 |
| Di(2-ethylhexyl)phthalate (DEHP) ⁴ | 117-81-7 | NA | 7.0E+01 |
| Dimethylamine | 124-40-3 | NA | 7.7E+01 |
| Dimethylaminoazobenzene, p- | 60-11-7 | NA | 1.5E-01 |
| Dimethyl formamide, N,N- | 68-12-2 | NA | 3.1E+03 |
| Dinitrotoluene, 2,4- | 121-14-2 | NA | 2.2E+00 |
| Dioxane, 1,4- (1,4-diethylene dioxide) | 123-91-1 | 6.6E+00 | 2.5E+01 |
| Epichlorohydrin (1-chloro-2,3-epoxypropane) | 106-89-8 | 2.9E+00 | 8.5E+00 |
| Epoxybutane, 1,2- | 106-88-7 | NA | 7.7E+02 |
| Ethyl acrylate | 140-88-5 | NA | 1.9E+03 |
| Ethyl benzene | 100-41-4 | NA | 7.7E+04 |
| Ethyl chloride (chloroethane) | 75-00-3 | NA | 1.2E+06 |
| Ethylene dibromide (1,2-dibromoethane) | 106-93-4 | NA | 2.7E+00 |
| Ethylene dichloride (1,2-dichloroethane) | 107-06-2 | NA | 9.4E+00 |

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|---|-------------------------|---|--|
| Ethylene glycol | 107-21-1 | NA | 1.5E+04 |
| Ethylene glycol butyl ether – EGBE [see Glycol ethers] | | | |
| Ethylene oxide (1,2-epoxyethane) | 75-21-8 | NA | 2.2E+00 |
| Ethylene thiourea | 96-45-7 | NA | 1.5E+01 |
| Fluorides and compounds | | 5.3E-01 | 2.3E+02 |
| hydrogen fluoride (hydrofluoric acid) | 7664-39-3 | 5.3E-01 | 2.3E+02 |
| Fluorocarbons (chlorinated) | | NA | 2.7E+04 |
| chlorinated fluorocarbon (CFC-113) | 76-13-1 | NA | 2.7E+04 |
| chlorodifluoromethane (Freon 22) | 75-45-6 | NA | 1.9E+06 |
| dichlorofluoromethane (Freon 21) | 75-43-4 | NA | 2.7E+04 |
| trichlorofluoromethane (Freon 11) | 75-69-4 | NA | 2.7E+04 |
| fluorocarbons (brominated) | | NA | 2.7E+04 |
| Formaldehyde | 50-00-0 | 2.1E-01 | 3.2E+01 |
| Freons [see Fluorocarbons] | | | |
| Glutaraldehyde | 111-30-8 | NA | 3.1E+00 |
| Glycol ethers | | | |
| ethylene glycol butyl ether – EGBE (2-butoxy ethanol; butyl cellosolve) | 111-76-2 | 3.1E+01 | 7.7E+02 |
| ethylene glycol ethyl ether – EGEE (2-ethoxy ethanol; cellosolve) ³ | 110-80-5 | 8.2E-01 | 2.7E+03 |
| ethylene glycol ethyl ether acetate – EGEEA (2-ethoxyethyl acetate; cellosolve acetate) ³ | 111-15-9 | 3.1E-01 | 1.4E+04 |
| ethylene glycol methyl ether – EGME (2-methoxy ethanol; methyl cellosolve) ³ | 109-86-4 | 2.1E-01 | 2.3E+03 |
| ethylene glycol methyl ether acetate – EGMEA (2-methoxyethyl acetate; methyl cellosolve acetate) | 110-49-6 | NA | 3.5E+03 |
| Hexachlorobenzene | 118-74-1 | NA | 3.8E-01 |
| Hexachlorocyclohexanes (mixed or technical grade) ⁴ | 608-73-1 | NA | 1.2E-01 |
| Hexachlorocyclohexane, alpha- ⁴ | 319-84-6 | NA | 1.2E-01 |
| Hexachlorocyclohexane, beta- ⁴ | 319-85-7 | NA | 1.2E-01 |
| Hexachlorocyclohexane, gamma- (lindane) ⁴ | 58-89-9 | NA | 4.3E-01 |
| Hexachlorocyclopentadiene | 77-47-4 | NA | 9.3E+00 |
| Hexane, n- | 110-54-3 | NA | 2.7E+05 |
| Hydrazine | 302-01-2 | NA | 4.0E-02 |
| Hydrochloric acid (hydrogen chloride) | 7647-01-0 | 4.6E+00 | 3.5E+02 |
| Hydrogen bromide [see bromine & compounds] | | | |
| Hydrogen cyanide (hydrocyanic acid) [see cyanide & compounds] | | | |
| Hydrogen fluoride (hydrofluoric acid) [see fluorides & compounds] | | | |
| Hydrogen selenide [see selenium compounds] | | | |
| Hydrogen sulfide | 7783-06-4 | 9.3E-02 | 3.9E+02 |
| Isophorone | 78-59-1 | NA | 7.7E+04 |

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|--|-------------------------|---|--|
| Isopropyl alcohol (isopropanol) | 67-63-0 | 7.1E+00 | 2.7E+05 |
| Lead and compounds (inorganic) ⁴ | 7439-92-1 | NA | 4.1E+00 |
| lead acetate ⁴ | 301-04-2 | NA | 4.1E+00 |
| lead phosphate ⁴ | 7446-27-7 | NA | 4.1E+00 |
| lead subacetate ⁴ | 1335-32-6 | NA | 4.1E+00 |
| Lindane [see hexachlorocyclohexane, gamma] | | | |
| Maleic anhydride | 108-31-6 | NA | 2.7E+01 |
| Manganese and compounds | 7439-96-5 | NA | 7.7E+00 |
| Mercury and compounds (inorganic) ⁴ | 7439-97-6 | 4.0E-03 | 5.8E-01 |
| mercuric chloride ⁴ | 7487-94-7 | 4.0E-03 | 5.8E-01 |
| Mercury and compounds (organic) | | | |
| methyl mercury | 593-74-8 | NA | 3.9E+01 |
| Methanol (methyl alcohol) | 67-56-1 | 6.2E+01 | 1.5E+05 |
| Methyl bromide (bromomethane) | 74-83-9 | 8.6E+00 | 1.9E+02 |
| Methyl chloroform (1,1,1-trichloroethane) | 71-55-6 | 1.5E+02 | 3.9E+04 |
| Methyl ethyl ketone (MEK) (2-butanone) | 78-93-3 | 2.9E+01 | 3.9E+04 |
| Methyl isocyanate | 624-83-9 | NA | 3.9E+01 |
| Methyl mercury [see mercury & compounds] | | | |
| Methyl methacrylate | 80-62-6 | NA | 3.8E+04 |
| Methyl tertiary-butyl ether (MTBE) | 1634-04-4 | NA | 7.4E+02 |
| Methylene bis (2-chloroaniline), 4,4'- (MOCA) | 101-14-4 | NA | 4.5E-01 |
| Methylene chloride (dichloromethane) | 75-09-2 | 3.1E+01 | 1.9E+02 |
| Methylene dianiline, 4,4'- (and its dichloride) ⁴ | 101-77-9 | NA | 4.1E-01 |
| Methylene diphenyl isocyanate | 101-68-8 | NA | 2.7E+01 |
| Michler's ketone (4,4'-bis(dimethylamino)benzophenone) | 90-94-8 | NA | 7.9E-01 |
| Mineral fibers (<1% FREE SILICA) | | NA | 9.3E+02 |
| ceramic fibers (man-made) | | NA | 9.3E+02 |
| glasswool (man-made fibers) | | NA | 9.3E+02 |
| mineral fibers (fine: man-made) | | NA | 9.3E+02 |
| rockwool (man-made fibers) | | NA | 9.3E+02 |
| slagwool (man-made fibers) | | NA | 9.3E+02 |
| Naphthalene [see polycyclic aromatic hydrocarbons] | | | |
| Nickel and compounds ⁴ (values also apply to:) | 7440-02-0 | 1.3E-02 | 7.4E-01 |
| nickel acetate ⁴ | 373-02-4 | 1.3E-02 | 7.4E-01 |
| nickel carbonate ⁴ | 3333-39-3 | 1.3E-02 | 7.4E-01 |
| nickel carbonyl ⁴ | 13463-39-3 | 1.3E-02 | 7.4E-01 |
| nickel hydroxide ⁴ | 12054-48-7 | 1.3E-02 | 7.4E-01 |
| Nickelocene ⁴ | 1271-28-9 | 1.3E-02 | 7.4E-01 |
| nickel oxide ⁴ | 1313-99-1 | 1.3E-02 | 7.4E-01 |
| nickel refinery dust from the pyrometallurgical process ⁴ | | 1.3E-02 | 7.4E-01 |

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|--|-------------------------|---|--|
| nickel subsulfide ⁴ | 12035-72-2 | 1.3E-02 | 7.4E-01 |
| Nitric acid | 7697-37-2 | 1.9E-01 | NA |
| Nitrobenzene | 98-95-3 | NA | 6.6E+01 |
| Nitropropane, 2- | 79-46-9 | NA | 7.7E+02 |
| Nitroso-n-dibutylamine, N- | 924-16-3 | NA | 6.1E-02 |
| Nitrosodi-n-propylamine, n- | 621-64-7 | NA | 9.7E-02 |
| Nitrosodiethylamine, n- | 55-18-5 | NA | 1.9E-02 |
| Nitrosodimethylamine, n- | 62-75-9 | NA | 4.2E-02 |
| Nitrosodiphenylamine, n- | 86-30-6 | NA | 7.5E+01 |
| Nitroso-n-methylethylamine, n- | 10595-95-6 | NA | 3.1E-02 |
| Nitrosomorpholine, n- | 59-89-2 | NA | 1.0E-01 |
| Nitrosopiperidine, n- | 100-75-4 | NA | 7.2E-02 |
| Nitrosopyrrolidine, n- | 930-55-2 | NA | 3.2E-01 |
| Nitrosodiphenylamine, p- | 156-10-5 | NA | 3.1E+01 |
| Ozone | 10028-15-6 | 4.0E-01 | 7.0E+03 |
| Pentachlorophenol | 87-86-5 | NA | 7.7E+00 |
| Perchloroethylene (tetrachloroethylene) | 127-18-4 | 4.4E+01 | 3.2E+01 |
| Phenol | 108-95-2 | 1.3E+01 | 7.7E+03 |
| Phosgene | 75-44-5 | 8.8E-03 | NA |
| Phosphine | 7803-51-2 | NA | 3.1E+01 |
| Phosphoric acid | 7664-38-2 | NA | 2.7E+02 |
| Phosphorus (white) | 7723-14-0 | NA | 2.7E+00 |
| Phthalic anhydride | 85-44-9 | NA | 7.7E+02 |
| PCBs (polychlorinated biphenyls) [low risk] ^{4, 7} | 1336-36-3 | NA | 9.9E-01 |
| PCBs (polychlorinated biphenyls) [high risk] ^{4, 8} | 1336-36-3 | NA | 3.5E-02 |
| Polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) (as 2,3,7,8-PCDD equivalent) ^{4, 8} | See Footnote 8 | NA | 6.3E-07 |
| Polycyclic aromatic hydrocarbon (PAH) (as B(a)P-equivalent) ^{4, 9} | See Footnote 9 | NA | 1.1E-02 |
| naphthalene | 91-20-3 | NA | 3.5E+02 |
| Potassium bromate [see bromine & compounds] | | | |
| Propane sultone, 1,3- | 1120-71-4 | NA | 2.8E-01 |
| Propylene (propene) | 115-07-1 | NA | 1.2E+05 |
| Propylene glycol monomethyl ether | 107-98-2 | NA | 2.7E+05 |
| Propylene oxide | 75-56-9 | 6.8E+00 | 5.2E+01 |
| Selenium and compounds | 7782-49-2 | NA | 7.7E+02 |
| hydrogen selenide | 7783-07-5 | 1.1E-02 | NA |
| selenium sulfide | 7446-34-6 | NA | 7.7E+02 |
| Sodium hydroxide | 1310-73-2 | 1.8E-02 | 1.9E+02 |
| Styrene | 100-42-5 | 4.6E+01 | 3.5E+04 |
| Sulfates | | 2.6E-01 | 9.7E+02 |
| Sulfuric acid and oleum | 7664-93-9 | 2.6E-01 | 3.9E+01 |
| sulfuric acid | 7664-93-9 | 2.6E-01 | 3.9E+01 |

| Chemical | CAS Number ¹ | Acute (1-hr. max.) Trigger Level ² (lb/hour) | Chronic Trigger Level ² (lb/year) |
|---|-------------------------|---|--|
| sulfur trioxide | 7446-71-9 | 2.6E-01 | NA |
| oleum | 8014-95-7 | 2.6E-01 | 3.9E+01 |
| Tetrachloroethane, 1,1,2,2- | 79-34-5 | NA | 3.4E+00 |
| Tetrachlorophenols | 25167-83-3 | NA | 3.4E+03 |
| Thioacetamide | 62-55-5 | NA | 1.1E-01 |
| Toluene | 108-88-3 | 8.2E+01 | 1.2E+04 |
| Toluene diisocyanates | 26471-62-5 | NA | 2.7E+00 |
| toluene-2,4-diisocyanate | 584-84-9 | NA | 2.7E+00 |
| toluene-2,6-diisocyanate | 91-08-7 | NA | 2.7E+00 |
| Trichloroethane, 1,1,1- (see methyl chloroform) | | | |
| Trichloroethane, 1,1,2- (vinyl trichloride) | 79-00-5 | NA | 1.2E+01 |
| Trichloroethylene | 79-01-6 | NA | 9.7E+01 |
| Trichlorophenol, 2,4,6- | 88-06-2 | NA | 9.7E+00 |
| Triethylamine | 121-44-8 | 6.2E+00 | 7.7E+03 |
| Urethane (ethyl carbamate) | 51-79-6 | NA | 6.8E-01 |
| Vanadium Compounds | | | |
| vanadium (fume or dust) | 7440-62-2 | 6.6E-02 | NA |
| vanadium pentoxide | 1314-62-1 | 6.6E-02 | NA |
| Vinyl acetate | 108-05-4 | NA | 7.7E+03 |
| Vinyl bromide | 593-60-2 | NA | 2.7E+02 |
| Vinyl chloride (chloroethylene) | 75-01-4 | 4.0E+02 | 2.5E+00 |
| Vinylidene chloride (1,1-dichloroethylene) | 75-35-4 | NA | 2.7E+03 |
| Xylenes (mixed isomers) | 1330-20-7 | 4.9E+01 | 2.7E+04 |
| m-xylene | 108-38-3 | 4.9E+01 | 2.7E+04 |
| o-xylene | 95-47-6 | 4.9E+01 | 2.7E+04 |
| p-xylene | 106-42-3 | 4.9E+01 | 2.7E+04 |
| Zinc and compounds | 7440-66-6 | NA | 1.4E+03 |
| zinc oxide | 1314-13-2 | NA | 1.4E+03 |

NA = Not Available

¹ **Chemical Abstract Number (CAS):**

CAS numbers are not available for many chemical groupings and mixtures.

² **Trigger Levels:**

All trigger levels are presented in scientific notation (i.e., exponential form based on powers of the base number 10.) For example: 4.9E+01 is equivalent to 4.9×10^1 , or 49; 6.6E-02 is equivalent to 6.6×10^{-2} , or 0.066; and 5.8E+00 is equivalent to 5.8×10^0 , or 5.8.

³ **Averaging Period for Non-Cancer Acute Trigger Levels:**

The averaging period for non-cancer acute trigger levels is generally a one-hour exposure. However, some are based on several hours of exposure. The screening levels for the following substances should be compared to estimated emissions occurring over a time period other than maximum one-hour emissions (e.g., a 4-hour trigger level should be compared to the maximum 4-hour average concentration estimated from the maximum emissions occurring in a 4-hour period). However, for conservative screening purposes, a maximum one-hour emission level can be compared to all acute trigger levels.

4-hour: arsenic and inorganic arsenic compounds

6-hour: benzene, carbon disulfide, ethylene glycol ethyl ether, ethylene glycol ethyl ether acetate, ethylene glycol methyl ether

7-hour: carbon tetrachloride, chloroform

4 Chemicals for Which Multi-Pathway Risks are Assessed:

Trigger levels are adjusted to include the impact from default non-inhalation pathways.

5 Asbestos:

The units for the unit risk factor for asbestos are $(100 \text{ PCM fibers/m}^3)^{-1}$. A conversion factor of 100 fibers/0.003 μg was used to convert from units of $(\text{PMC fibers/m}^3)^{-1}$ to typical unit risk factor units of $(\mu\text{g/m}^3)^{-1}$.

6 Diesel Exhaust Particulate Matter:

Diesel exhaust particulate matter should be used as a surrogate for all TAC emissions from diesel-fueled compression-ignition internal combustion engines. However, diesel exhaust particulate matter should not be used for other types of diesel-fueled combustion equipment, such as boilers or turbines. For equipment other than diesel-fueled compression-ignition internal combustion engines, emissions should be determined for individual TACs and compared to the appropriate trigger level for each TAC.

7 Polychlorinated Biphenyls:

Low Risk: Use in cases where congeners with more than four chlorines comprise less than one-half percent of total polychlorinated biphenyls.

High Risk: Use in cases where congeners with more than four chlorines do not comprise less than one-half percent of total polychlorinated biphenyls.

8 Polychlorinated Dibenzo-p-Dioxins (PCDDs) and Polychlorinated Dibenzofurans (PCDFs) (also referred to as chlorinated dioxins and dibenzofurans):

These substances are PCDDs and PCDFs for which OEHHHA has adopted the International Toxicity Equivalency Factor (TEF) scheme for evaluating cancer risk due to exposure to samples containing mixtures of PCDDs and PCDFs. PCDDs and PCDFs should be evaluated as PCDD-equivalent. This evaluation process consists of multiplying individual PCDD- and PCDF-specific emission levels with their corresponding TEFs listed below. The sum of these products is the PCDD-equivalent and should be compared to the PCDD-equivalent trigger level.

| <u>PCDD</u> | <u>CAS Number</u> | <u>TEF</u> |
|--|-------------------|------------|
| 2,3,7,8-tetrachlorodibenzo-p-dioxin | 1746-01-6 | 1.0 |
| 1,2,3,7,8-pentachlorodibenzo-p-dioxin | 40321-76-4 | 0.5 |
| 1,2,3,4,7,8-hexachlorodibenzo-p-dioxin | 39227-28-6 | 0.1 |
| 1,2,3,6,7,8-hexachlorodibenzo-p-dioxin | 57653-85-7 | 0.1 |
| 1,2,3,7,8,9-hexachlorodibenzo-p-dioxin | 19408-74-3 | 0.1 |
| 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin | 35822-46-9 | 0.01 |
| 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin | 3268-87-9 | 0.001 |
| <u>PCDF</u> | <u>CAS Number</u> | <u>TEF</u> |
| 2,3,7,8-tetrachlorodibenzofuran | 5120-73-19 | 0.1 |
| 1,2,3,7,8-pentachlorodibenzofuran | 57117-41-6 | 0.05 |
| 2,3,4,7,8-pentachlorodibenzofuran | 57117-31-4 | 0.5 |
| 1,2,3,4,7,8-hexachlorodibenzofuran | 70648-26-9 | 0.1 |
| 1,2,3,6,7,8-hexachlorodibenzofuran | 57117-44-9 | 0.1 |
| 1,2,3,7,8,9-hexachlorodibenzofuran | 72918-21-9 | 0.1 |
| 2,3,4,6,7,8-hexachlorodibenzofuran | 60851-34-5 | 0.1 |
| 1,2,3,4,6,7,8-heptachlorodibenzofuran | 67562-39-4 | 0.01 |
| 1,2,3,4,7,8,9-heptachlorodibenzofuran | 55673-89-7 | 0.01 |
| 1,2,3,4,6,7,8,9-octachlorodibenzofuran | 39001-02-0 | 0.001 |

9 Polycyclic Aromatic Hydrocarbons (PAHs):

These substances are PAH-derivatives that have OEHHHA-developed Potency Equivalency Factors (PEFs). PAHs should be evaluated as benzo(a)pyrene-equivalents. This evaluation process consists of multiplying individual PAH-specific emission levels with their corresponding PEFs listed below. The sum of these products is the benzo(a)pyrene-equivalent level and should be compared to the benzo(a)pyrene equivalent trigger level.

| <u>PAH or derivative</u> | <u>CAS Number</u> | <u>PEF</u> |
|--------------------------------|-------------------|------------|
| benz(a)anthracene | 56-55-3 | 0.1 |
| benzo(b)fluoranthene | 205-99-2 | 0.1 |
| benzo(j)fluoranthene | 205-82-3 | 0.1 |
| benzo(k)fluoranthene | 207-08-9 | 0.1 |
| benzo(a)pyrene | 50-32-8 | 1.0 |
| chrysene | 218-01-9 | 0.01 |
| dibenz(a,j)acridine | 224-42-0 | 0.1 |
| dibenz(a,h)acridine | 226-36-8 | 0.1 |
| dibenz(a,h)anthracene | 53-70-3 | 1.05 |
| 7H-dibenzo(c,g)carbazole | 194-59-2 | 1.0 |
| dibenzo(a,e)pyrene | 192-65-4 | 1.0 |
| dibenzo(a,h)pyrene | 189-64-0 | 10 |
| dibenzo(a,i)pyrene | 189-55-9 | 10 |
| dibenzo(a,l)pyrene | 191-30-0 | 10 |
| 7,12-dimethylbenz(a)anthracene | 57-97-6 | 64 |
| indeno(1,2,3-cd)pyrene | 193-39-5 | 0.1 |
| 5-methylchrysene | 3697-24-3 | 1.0 |
| 3-methylcholanthrene | 56-49-5 | 1.0 |
| 5-nitroacenaphthene | 602-87-9 | 0.03 |
| 1-nitropyrene | 5522-43-0 | 0.1 |
| 4-nitropyrene | 57835-92-4 | 0.1 |
| 1,6-dinitropyrene | 42397-64-8 | 10 |
| 1,8-dinitropyrene | 42397-65-9 | 1.0 |
| 6-nitrocrysene | 7496-02-8 | 10 |
| 2-nitrofluorene | 607-57-8 | 0.01 |

**REGULATION 2
PERMITS
RULE 1
GENERAL REQUIREMENTS**

INDEX

2-1-200 DEFINITIONS

2-1-225 Health Risk Screening Analysis (HRSA)

2-1-237 BACT/TBACT Workbook

2-1-238 Clean Air Act

REGULATION 2
PERMITS
RULE 1
GENERAL REQUIREMENTS

2-1-100 GENERAL

2-1-106 Limited Exemption, Accelerated Permitting Program: Unless subject to any of the provisions of Sections 2-1-316 through 319, any new or modified source is exempt from the Authority to Construct requirements of Section 2-1-301, provided that the owner or operator submits a complete application under the Accelerated Permitting Program. A complete permit application under this program consists of: a completed permit application form and source data form(s); payment of applicable fees (the minimum permit fee required to install and operate each source); and certification that the source meets all of the criteria set forth in Sections 2-1-106.1 through 106.3. Such a source is still subject to the Permit to Operate requirements of Section 2-1-302, but will be evaluated under the Accelerated Permitting Program, as described in Section 2-1-302.2.

106.1 Uncontrolled emissions of POC, NPOC, NO_x, SO₂, PM₁₀, and CO are each less than 10 pounds per highest day; or the source is pre-certified per Section 2-1-415; and

106.2 Emissions of toxic compounds do not exceed the trigger levels identified in Table ~~2-1-346~~ 2-1-342-5-1 of Regulation 2, Rule 5; and

106.3 The source is not subject to the public notice requirements of Section 2-1-412.

In addition to the above, the replacement of any abatement device is exempt from the Authority to Construct requirements of Section 2-1-301 and will be evaluated under the Accelerated Permitting Program in Section 2-1-302.2, provided that the owner or operator certifies for all pollutants that the abatement device is as efficient as, or more efficient than, the abatement device being replaced. In addition to the above, any alteration of a source is exempt from the Authority to Construct requirements of Section 2-1-301 and will be evaluated under the Accelerated Permitting Program in Section 2-1-302.2, provided that the owner or operator certifies for all pollutants that the alteration does not result in an increase in emissions.

(Adopted 6/7/95; Amended 10/7/98; 5/17/00)

2-1-200 DEFINITIONS

2-1-220 Portable Equipment: This definition is provided exclusively for determining applicability of Section 2-1-413: Portable Equipment Operated Within the District. "Portable equipment" means any emission unit that, by itself or, in or on a piece of equipment, is portable, meaning designed to be and capable of being carried or moved from one location to another. Indications of portability include, but are not limited to, wheels, skids, carrying handles, dolly trailer, platform or mounting. A piece of equipment is portable, for purposes of obtaining a portable permit under Section 2-1-413, if all of the following are met:

220.1 The equipment will not remain at any single location for a period in excess of twelve consecutive months, following the date of initial operation. Any emission unit, such as back up or standby unit, which replaces an emission

unit at that location and is intended to perform the same function as the unit being replaced, will be counted toward the time limitation.

- 220.2 The source (emission unit) remains or will remain at a location for no more than twelve months, following the date of initial operation, where such a period does not represent the full length of normal annual source operations, such as operations which are seasonal.
- 220.3 The equipment is not removed from, or stored at, one location for a period and then returned to the same location in an attempt to circumvent the portable equipment residence time requirement.
- 220.4 The equipment is not operated within 1000 feet of the outer boundary of any K-12 school site, unless the applicable notice requirements of Health and Safety Code Section 42301.6 have been met.
- 220.5 The operation complies with ~~the Toxic Risk Management Policy~~ Regulation 2, Rule 5.
- 220.6 No air contaminant is released into the atmosphere in sufficient quantities as to cause a public nuisance per Regulation 1-301.
- 220.7 The operation of the portable equipment in the Air District shall emit no more than 10 tons per year of each pollutant, including POC, CO, NO_x, PM₁₀, NPOC or SO₂. For PM₁₀, fugitive particulate emissions from haul road traffic shall not be counted toward the annual limit.
- 220.8 The operation must be exempt from CEQA, or must be covered by a chapter in the District's Permit Handbook.
- 220.9 The equipment will not cause a Synthetic Minor Facility to exceed a federally enforceable emission limit.
- 220.10 If this equipment remains at any fixed location for more than twelve months, the portable permit will automatically revert to a conventional permanent location permit and will lose its portability. To obtain another portable permit for the equipment, the owner must re-permit the equipment for the next location of intended operations. Upon written request, the APCO may exclude reasonable storage periods before the date of initial operation and/or following the date of final operation from the twelve month time limitation.

(Adopted 6/7/95; Amended 10/7/98)

- 2-1-222 Toxic Air Contaminant (TAC):** An air pollutant, which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. Toxic air contaminants consist of those substances identified by the Air Resources Board under Section 39662 of the State Health and Safety Code, ~~and those substances listed as hazardous air pollutants under subsection (b) of Section 112 of the federal Clean Air Act, and those substances listed in Table 2-5-1.~~

(Adopted 6/7/95; Amended 5/17/00)

- 2-1-225 Health Risk Screening Analysis (HRSA):** ~~An assessment of the measure of health risk for individuals in the affected population that may be exposed to emissions of toxic air contaminants from a given source. For the purposes of this Rule, a risk screening analysis may be a simplified analysis or, where available, a more refined health risk assessment utilizing appropriate site-specific information. An analysis of the measure of health risk for individuals in the affected population that may be exposed to emissions of one or more toxic air contaminants, determined in accordance with Regulation 2-5-603. This analysis utilizes conservative simplifying assumptions that ensure protection of public health and safety and considers multi-pathway exposures to a TAC, whenever appropriate. Site-specific information may be used to refine the health risk screening analysis, if appropriate.~~

(Adopted June 7, 1995)

- 2-1-234 Modified Source:** Any existing source which undergoes a physical change, change in the method of operation of, increase in throughput or production, or addition which results or may result in any of the following:

- 234.1 An increase of either the daily or annual emission level of any regulated air pollutant, or an increase in the production rate or capacity that is used to estimate the emission level, that exceeds emission or production levels approved by the District in any authority to construct.
- 234.2 An increase of either the daily or annual emission level of any regulated air pollutant, or the production rate or capacity that is used to estimate the emission level, above levels contained in a permit condition in any current permit to operate or major facility review permit.
- 234.3 For sources which have never been issued a District authority to construct, and which do not have conditions limiting daily or annual emissions, an increase of either daily or annual emission level of any regulated air pollutant, or the production rate or capacity that is used to estimate the emission level, above the lowest of the following:

3.1 The highest of the following:

3.1.1 The highest attainable design capacity, as shown in pre-construction design drawings, including process design drawings and vendor specifications.

3.1.2 The capacity listed in the District permit to operate.

3.1.3 The highest documented actual levels attained by the source prior to March 1, 2000.

3.2 The capacity of the source, as limited by the capacity of any upstream or downstream process that acts as a bottleneck (a grandfathered source with an emission increase due to debottlenecking is considered to be modified).

For the purposes of applying Section 234.3, only increases in annual emission levels shall be considered for storage vessels.

- 234.4 The emission of any regulated air pollutant or toxic air contaminant not previously emitted in a quantity which would cause the source to fail an air toxic screening analysis performed in accordance with the current Air Toxic Risk Screening Procedure result in a cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million (10^{-6}) and/or a chronic hazard index (as defined in Regulation 2-5-208) greater than 0.2.

For the purposes of applying this definition, an hourly limit or capacity may be converted to a daily limit or capacity by multiplication by 24 hours/day; a daily capacity may be converted to an annual capacity or limit by multiplication by 365 days/year.

(Adopted 5/17/00; Amended 11/15/00)

2-1-237 BACT/TBACT Workbook: The District guidelines, which set forth emission limitations and/or control technologies constituting BACT and TBACT for a number of source types or categories.

2-1-238 Clean Air Act: The federal Clean Air Act, as amended in 1990, including the implementing regulations.

2-1-300 STANDARDS

- 2-1-309 Canceled Application:** The APCO may cancel an application for an authority to construct and a permit to operate if, within 90 days after the application was deemed incomplete, the applicant fails to furnish the requested information or pay all appropriate fees. The 90 day period may be extended for an additional 90 days upon receipt of a written request from the applicant and written approval thereof by the APCO. The APCO shall notify the applicant in writing of a cancellation, and the reasons therefore. A cancellation shall become effective 10 days after the applicant has been notified. The cancellation shall be without prejudice to any future applications.

(Adopted April 6, 1988)

- 2-1-312 Other Categories of Exempt Projects:** In addition to ministerial projects, the following categories of projects subject to permit review by the District will be exempt from the CEQA review, either because the category is exempted by the express terms of CEQA (subsections 2-1-312.1 through 312.9) or because the project has no potential for causing a significant adverse environmental impact (subsections 2-1-312.10 and 312.11). Any permit applicant wishing to qualify under any of the specific exemptions set forth in this Section 2-1-312 must include in its permit application CEQA-related information in accordance with subsection 2-1-426.1. In addition, the CEQA-related information submitted by any permit applicant wishing to qualify under subsection 2-1-312.11 must demonstrate to the satisfaction of the APCO that the proposed project has no potential for resulting in a significant environmental effect in connection with any of the environmental media or resources listed in Section II of Appendix I of the State CEQA Guidelines.
- 312.1 Applications to modify permit conditions for existing or permitted sources or facilities which do not involve any increases in emissions or physical modifications.
 - 312.2 Permit applications to install air pollution control or abatement equipment.
 - 312.3 Permit applications for projects undertaken for the sole purpose of bringing an existing facility into compliance with newly adopted regulatory requirements of the District or of any other local, state or federal agency.
 - 312.4 Permit applications submitted by existing sources or facilities pursuant to a loss of a previously valid exemption from the District's permitting requirements.
 - 312.5 Permit applications submitted pursuant to the requirements of an order for abatement issued by the District's Hearing Board or of a judicial enforcement order.
 - 312.6 Permit applications relating exclusively to the repair, maintenance or minor alteration of existing facilities, equipment or sources involving negligible or no expansion of use beyond that previously existing.
 - 312.7 Permit applications for the replacement or reconstruction of existing sources or facilities where the new source or facility will be located on the same site as the source or facility replaced and will have substantially the same purpose and capacity as the source or facility replaced.
 - 312.8 Permit applications for cogeneration facilities which meet the criteria of Section 15329 of the State CEQA Guidelines.
 - 312.9 Any other project which is exempt from CEQA review pursuant to the State CEQA Guidelines.
 - 312.10 Applications to deposit emission reductions in the emissions bank pursuant to Regulation 2, Rule 4 or Regulation 2, Rule 9.
 - 312.11 Permit applications for a proposed new or modified source or sources or for process changes which will satisfy the "No Net Emission Increase" provisions of District Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media or resources other than air quality. Examples of such projects include, but are not necessarily limited to, the following:
 - 11.1 Projects at an existing stationary source for which there will be no net increase in the emissions of air contaminants from the stationary source and for which there will be no other significant environmental effect;
 - 11.2 A proposed new source or stationary source for which full offsets are provided in accordance with Regulation 2, Rule 2, and for which there will be no other significant environmental effect;
 - 11.3 A proposed new source or stationary source at a small facility for which full offsets are provided from a small facility bank established by

the APCO pursuant to Regulation 2-4-414, and for which there will be no other significant environmental effect;

- 11.4 Projects satisfying the "no net emission increase" provisions of District Regulation 2, Rule 2 for which there will be some increase in the emissions of any toxic air contaminant, but for which the District staff's preliminary health risk screening analysis shows that ~~a formal health risk assessment is not required~~ the project will not result in a cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million (10^{-6}) and/or a chronic hazard index (as defined in Regulation 2-5-208) greater than 0.2, and for which there will be no other significant environmental effect.

(Adopted 7/17/91; Amended 5/17/00)

- 2-1-313 Projects Not Exempt From CEQA Review:** Notwithstanding the exemptions from CEQA review set forth in Section 2-1-312, such exemptions shall not apply: (i) to any project for which the District staff's preliminary health risk screening analysis shows that ~~a formal health risk assessment must be submitted by the applicant that is required to have a Specific Findings Report pursuant to Regulation 2, Rule 5, Section 406,~~ or (ii) to any project covered by the categories set forth in subsections 2-1-312.1 through 312.9 where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, or due to cumulative impacts of successive projects of the same type in the same place over time. Such projects shall be reviewed in accordance with the requirements of CEQA.

(Adopted July 17, 1991)

- 2-1-316 New or Modified Sources of Toxic Air Contaminants or Hazardous Air Pollutants:** Notwithstanding any exemption contained in Section 2-1-103 or Section 114 through 128, any new or modified source meeting any of the following criteria shall be subject to the requirements of Regulation 2, Rule 1, Section 301 and/or 302.

- 316.1 If a new or modified source emits one or more toxic air contaminants in quantities that exceed the ~~limits trigger levels~~ listed in Table ~~2-4-3162-5-1~~ of Regulation 2, Rule 5 and the source did not have a valid exemption from Regulation 2-1-302 when the source was constructed or modified, then the source shall be subject to the requirements of Sections 2-1-301 and 302, unless the owner or operator of the source can demonstrate to the satisfaction of the APCO, ~~within 90 day of request per Regulation 1, Section 441,~~ that the source ~~would pass a risk screening analysis, as defined in Section 2-1-225, performed according to the current Air Toxic Risk Screening Procedure.~~

1.1 Will comply with the TBACT requirement of Regulation 2-5-301 (if applicable); and

1.2 Will comply with the project risk limits of Regulation 2-5-302 (if applicable).

- 316.2 If a new or modified source, or group of related sources, ~~as defined in the District's current Risk Management Policy,~~ in a proposed construction or modification will emit 2.5 or more tons per year of any single hazardous air pollutant or 6.25 or more tons per year of any combination of hazardous air pollutants, then the source or group of sources shall be subject to the requirements of Sections 2-1-301 and 302.

(Adopted 4/16/86; Amended 7/17/91; Renumbered and Amended 6/7/95; Amended 5/17/00)

2-1-400 ADMINISTRATIVE REQUIREMENTS

- 2-1-408 Action on Applications:** Except for applications subject to Section 2-1-412, the publication and public notice requirements of Section 2-2-405 or 2-5-408, or to the provisions of Rule 6 of this Regulation, the APCO shall notify the applicant in writing of approval, approval with conditions, or denial of the application within 35 working

days of receipt of a completed application, unless the time is extended with the written consent of the applicant.

408.1 Notwithstanding this 35-working-day limit, the APCO shall not take final action for any project for which an Environmental Impact Report or a Negative Declaration has been prepared until a Final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the APCO has considered the information in that Final EIR or Negative Declaration. For cases in which the 35 working-day time period has elapsed, the APCO shall take final action on the application within 30 days after the certification of the Final EIR or approval of the Negative Declaration. This subsection shall not apply to any project which is exempt from the District's CEQA requirements pursuant to Section 2-1-311 or 2-1-312. Any substantive change to an application which occurs after the evaluation period has commenced shall allow the APCO to start a new completeness review period, and to reset the 35 working-day limit after the application has been deemed complete.

(Amended 11/1/89; 7/17/91; 11/20/91; 11/3/93; 6/7/95; 10/7/98)

2-1-428 Criteria for Approval of Ministerial Permit Applications: If the District classifies a permit application as ministerial pursuant to Section 2-1-427, and as a result of its evaluation of that permit application, the District determines that all of the following criteria are met, the issuance by the District of an Authority to Construct for the proposed new or modified source will be a mandatory ministerial duty.

428.1 The proposed new or modified source will comply with all applicable provisions of the District's Rules and Regulations and with all applicable provisions of state and federal law and regulations which the District has the duty to enforce;

428.2 The emissions from the proposed project can be calculated using standardized emission factors from published governmental sources, District source test results, established formulas from published engineering and scientific handbooks, material safety data sheets or other similar published literature, manufacturer's warranties or other fixed standards as set forth in the District's Permit Handbook and BACT/TBACT Workbook;

428.3 Where Best Available Control Technology is required, BACT for the proposed new or modified source can be determined based on the latest edition of the ARB's BACT/LAER Clearinghouse, on the District's own compilations of BACT levels for specific types of sources as set forth in the District's Permit Handbook and BACT/TBACT Workbook or on a more stringent BACT level proposed by the project proponent; and

428.4 If the proposed new or modified source involves the shutdown of an existing source, the Reasonably Available Control Technology applicable to the source to be shut down can be determined from existing provisions of the District's Rules and Regulations or from the District's own compilations of BACT levels for specific types of sources as set forth in District's Permit Handbook and BACT/TBACT Workbook.

428.5 For proposed new or modified sources that are subject to Regulation 2, Rule 5, the project meets the project risk requirement of Regulation 2-5-302. Permit applications for projects subject to the specific findings report requirement of Regulation 2-5-406 are not ministerial.

428.6 Where Best Available Control Technology for Toxics (TBACT) is required pursuant to Regulation 2-5-301, TBACT for the proposed new or modified source can be determined based on TBACT determinations in the District's BACT/TBACT Workbook, an EPA MACT standard, a CARB ATCM, or a more stringent TBACT level proposed by the applicant that is applicable to the specific source type or source category being evaluated.

In addition, when the District has issued an authority to construct for a proposed new or modified source as a ministerial project, the issuance of the permit to operate for

that source will also be a mandatory ministerial duty if the source will meet all the conditions imposed in connection with the issuance of the authority to construct and all applicable laws, rules and regulations enforced by the District.

(Adopted 11/20/91; Amended 10/7/98)

Table 2-1-316
Toxic Air Contaminant Trigger Levels

| Compound | CAS Number | Trigger Level (lb/year) |
|--|------------|-------------------------|
| Acetaldehyde | 75070 | 7.2E+01 |
| Acetamide | 603505 | 9.7E+00 |
| Acrolein | 107028 | 3.9E+00 |
| Acrylamide | 79061 | 1.5E-01 |
| Acrylonitrile | 107131 | 6.7E-01 |
| Allyl chloride | 107051 | 3.3E+01 |
| Aminoanthraquinone, 2 | 117793 | 2.1E+01 |
| Ammonia | 7664417 | 1.9E+04 |
| Aniline | 62533 | 1.2E+02 |
| Arsenic and arsenic compounds (inorganic) | 7440382* | 2.5E-02 |
| Asbestos | 1332214 | 3.0E-03 |
| Benzene | 71432 | 6.7E+00 |
| Benzidine (and its salts) | 92875* | 1.4E-03 |
| Benzyl chloride (see chlorotoluenes) | 100447 | 3.9E+00 |
| Beryllium and beryllium compounds | 7440417* | 1.4E-02 |
| Bis(2-chloro-ethyl)ether | 111444 | 2.7E-01 |
| Bis(chloro-methyl)ether | 542881 | 1.5E-02 |
| Bromine and bromine compounds (inorganic) | 7726956* | 3.3E+02 |
| Butadiene, 1,3- | 106990 | 1.1E+00 |
| Butyl alcohol, tert- | 75650 | 1.4E+05 |
| Cadmium and cadmium compounds | 7440439* | 4.6E-02 |
| Carbon disulfide | 75150 | 1.4E+04 |
| Carbon tetrachloride | 56235 | 4.6E+00 |
| Chlorinated dibenzodioxins and dibenzofurans (TCDD equivalent) | 1746016* | 1.2E-06 |
| Chlorinated paraffins | ± | 7.7E+00 |
| Chlorine | 7782505 | 1.4E+03 |
| Chlorobenzene | 108907 | 1.4E+04 |
| Chlorofluorocarbons | ± | 1.4E+05 |
| Chloroform | 67663 | 3.6E+01 |
| Chloro-o-phenylenediamine, 4- | 95830 | 4.2E+01 |
| Chloro-o-toluidine, p- | 95692 | 2.5E+00 |
| Chlorophenol, 2- | 108430 | 3.5E+03 |
| Chloropicrin | 76062 | 3.3E+02 |
| Chloroprene | 126998 | 1.9E+03 |
| Chlorotoluenes | 100447* | 2.3E+03 |
| Chromium (hexavalent) and chromium (hexavalent) compounds | 18540299* | 1.3E-03 |
| Copper and copper compounds | 7440508* | 4.6E+02 |
| Cresidine, p- | 120718 | 4.4E+00 |
| Cresol | 1319773 | 3.5E+04 |
| Cupferron | 135206 | 3.1E+00 |
| Diaminoanisole, 2,4- | 96128 | 2.9E+01 |
| Dibromo-3-chloropropane, 1,2- (DBCP) | 96128 | 9.7E-02 |
| Dichlorobenzene, 1,4- | 106467 | 1.8E+01 |
| Dichlorobenzidene, 3,3'- | 91941 | 5.6E-01 |
| Dichloroethane, 1,1- | 75343 | 1.2E+02 |
| Dichloroethylene, 1,1- (see vinylidene chloride) | | |
| Diesel exhaust particulate matter | n/a | 6.4E-01 |

| Compound | CAS Number | Trigger Level (lb/year) |
|--|------------|-------------------------|
| Diethylaminoethanol | 400378 | 2.1E+04 |
| Diethylhexylphthalate (DEHP) | 417817 | 8.1E+01 |
| Dimethylaminoazobenzene, p- | 60117 | 1.5E-01 |
| Dimethyl phthalate | 431113 | 2.3E+03 |
| Dimethylamine | 424403 | 3.8+02 |
| Dinitrotoluene, 2,4- | 421142 | 2.1E+00 |
| Diethyl phthalate | 417840 | 2.3E+03 |
| Dioxane, 1,4- | 423911 | 2.5E+01 |
| Epichlorohydrin | 406898 | 8.3E+00 |
| Ethyl acetate | 441786 | 6.6E+05 |
| Ethyl acrylate | 440885 | 9.3E+03 |
| Ethyl chloride | 75003 | 1.9E+06 |
| Ethylene dibromide (1,2-dibromoethane) | 406934 | 2.7E+00 |
| Ethylene dichloride (1,2-dichloroethane) | 407062 | 8.7E+00 |
| Ethylene oxide | 75218 | 2.1E+00 |
| Ethylene thiourea | 96457 | 1.5E+01 |
| Formaldehyde | 50000 | 3.3E+01 |
| Freons (see Chlorofluorocarbons) | | |
| Glutaraldehyde | 411308 | 3.3E+02 |
| Glycol ethers: | | |
| 2-Ethoxy ethanol (cellosolve; ethylene glycol monoethyl ether) | 410805 | 3.9E+04 |
| 2-Ethoxyethyl acetate (cellosolve acetate; ethylene glycol monoethyl ether acetate) | 411159 | 1.3E+04 |
| 2-Methoxy ethanol (methyl cellosolve; ethylene glycol monomethyl ether) | 409864 | 3.9E+03 |
| 2-Methoxyethyl acetate (methyl cellosolve acetate; ethylene glycol monomethyl ether acetate) | 410496 | 1.1E+04 |
| 2-Butoxy ethanol (Butyl cellosolve; ethylene glycol monobutyl ether) | 411762 | 3.9E+03 |
| Hexachlorobenzene | 418741 | 3.9E-01 |
| Hexachlorocyclohexanes | 58899* | 1.8E-01 |
| Hexachlorocyclopentadiene | 77474 | 4.6E+01 |
| Hexane, n- | 410543 | 8.3E+04 |
| Hydrazine | 302012 | 3.9E-02 |
| Hydrogen bromide (hydrobromic acid) | 40035106 | 4.6E+03 |
| Hydrogen chloride | 7647010 | 1.4E+03 |
| Hydrogen cyanide | 74908 | 1.4E+04 |
| Hydrogen fluoride | 7664393 | 1.1E+03 |
| Hydrogen sulfide | 7783064 | 8.1E+03 |
| Isocyanates: | | |
| Methylene-bis-phenyl isocyanate | 401688 | 1.8E+01 |
| Methyl isocyanate | 624839 | 7.0E+01 |
| Toluene diisocyanates | 26471625* | 1.8E+01 |
| Isophorone | 78591 | 6.6E+04 |
| Isopropyl alcohol | 67630 | 4.4E+05 |
| Lead, inorganic, and lead compounds | 7439921* | 1.60E+01 |
| Maleic anhydride | 408316 | 4.6E+02 |
| Manganese and manganese compounds | 7439965* | 7.7E+01 |

| Compound | CAS Number | Trigger Level (lb/year) |
|---|------------|-------------------------|
| Mercury and mercury compounds (inorganic) | 7439976* | 5.8E+01 |
| Methyl alcohol (methanol) | 67561 | 1.2E+05 |
| Methyl bromide | 74839 | 1.2E+03 |
| Methyl chloroform (1,1,1 TCA) | 71556 | 6.2E+04 |
| Methyl mercury | 593748 | 1.9E+02 |
| Methyl methacrylate | 80626 | 1.9E+05 |
| Methylene bis(2-chloroaniline), 4,4'- | 101144 | 4.4E-01 |
| Methylene chloride | 75092 | 1.9E+02 |
| Methylene dianiline, 4,4'- | 101779* | 4.2E-01 |
| Methylethylketone (MEK) | 78933 | 1.5E+05 |
| Methylpyrrolidone, N- | 872504 | 1.8E+05 |
| Michler's ketone | 90948 | 7.7E-01 |
| Naphthalene | 91203 | 2.7E+02 |
| Nickel and nickel compounds | 7440020* | 7.3E-01 |
| Nitric acid | 7697372 | 2.3E+03 |
| Nitrobenzene | 98953 | 3.3E+02 |
| Nitropropane, 2- | 79469 | 3.9E+03 |
| Nitrosodiethylamine, N- | 55185 | 1.9E-02 |
| Nitrosodimethylamine, N- | 62759 | 4.2E-02 |
| Nitroso-n-dibutylamine, N- | 924163 | 1.6E-03 |
| Nitrosodiphenylamine, N- | 86306 | 7.3E+01 |
| Nitrosodiphenylamine, p- | 156105 | 3.1E+01 |
| Nitroso-N-methylethylamine, N- | 10595956 | 3.1E-02 |
| Nitroso-morpholine, N- | 59892 | 1.0E-01 |
| Nitroso-piperidine, N- | 100754 | 7.1E-02 |
| Nitrosodi-n-propylamine, N- | 621647 | 9.7E-02 |
| Nitrosopyrrolidine, N- | 930552 | 3.3E-01 |
| PAHs (including but not limited to): | * | |
| Benz[a]anthracene | 56553 | 4.4E-02 |
| Benzo[b]fluoroanthene | 205992 | 4.4E-02 |
| Benzo[k]fluoroanthene | 205823 | 4.4E-02 |
| Benzo[a]pyrene | 50328 | 4.4E-02 |
| Dibenz[a,h]anthracene | 53703 | 4.4E-02 |
| Indeno[1,2,3-cd]pyrene | 193395 | 4.4E-02 |
| PCBs (polychlorinated biphenyls) | 1336363* | 6.8E-03 |
| Pentachlorophenol | 87865 | 3.8E+01 |
| Perchloroethylene (tetrachloroethylene) | 127184 | 3.3E+01 |
| Phenol | 108952 | 8.7E+03 |
| Phosgene | 75445 | 1.8E+02 |
| Phosphine | 7803512 | 1.9E+03 |
| Phosphoric acid | 7664382 | 4.6E+02 |
| Phosphorus (white) | 7723140 | 1.4E+01 |
| Phthalic anhydride | 85449 | 1.4E+06 |
| Potassium bromate | 7758012 | 1.4E+00 |
| Propane sulfone, 1,3- | 1120714 | 2.7E-01 |
| Propylene oxide | 75569 | 5.2E+01 |
| Selenium and selenium compounds | 7782492* | 9.7E+01 |
| Sodium hydroxide | 1310732 | 9.3E+02 |
| Styrene monomer | 100425 | 1.4E+05 |
| Tetrachloroethane, 1,1,2,2- | 79345 | 3.3E+00 |

| Compound | CAS Number | Trigger Level (lb/year) |
|---|------------|-------------------------|
| Tetrachlorophenols | 25167833* | 1.7E+04 |
| Tetrahydrofuran | 109999 | 2.7E+05 |
| Thioacetamide | 62555 | 1.1E-01 |
| Toluene | 108883 | 3.9E+04 |
| Toluene diisocyanate, 2,4- | 584849 | 1.8E+01 |
| Toluene diisocyanate, 2,6- | 91087 | 1.8E+01 |
| Trichlorobenzene, 1,2,4- | 120821 | 1.8E+04 |
| Trichloroethane, 1,1,1- (see Methyl chloroform) | | |
| Trichloroethane, 1,1,2- (vinyl trichloride) | 79005 | 1.2E+01 |
| Trichloroethylene | 79016 | 9.7E+01 |
| Trichlorophenol, 2,4,6- | 88062 | 9.7E+00 |
| Urethane (ethyl carbamate) | 51796 | 6.6E-01 |
| Vapam (sodium methyldithiocarbamate) | 137428 | 2.2E+04 |
| Vinyl chloride | 75014 | 2.5E+00 |
| Vinylidene chloride | 75354 | 6.2E+03 |
| Xylenes | 1330207* | 5.8E+04 |
| Zinc and zinc compounds | 7440666* | 6.8E+03 |

* -- This is a chemical compound group. If a CAS number is listed, it represents only a single chemical within the chemical class (for metallic compounds, the CAS number of the elemental form is listed; for other compounds, the CAS number of a predominant compound in the group is given).

n/a -- No CAS number is available for this compound or compound group.

(Amended 5/17/00; 11/15/00)

REGULATION 3

FEES

INDEX

3-200 DEFINITIONS

3-227 Toxic Air Pollutant Contaminant, or TAC

3-238 Risk Screening Fee

3-239 Toxic Surcharge

REGULATION 3 FEES

3-200 DEFINITIONS

3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987: The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air ~~pollutants~~contaminants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program.

(Adopted October 21, 1992)

3-227 Toxic Air ~~Pollutant~~: ~~For the purpose of this fee regulation, a "toxic air pollutant" is any air pollutant that is included in the District's list of Toxic Air Pollutants and Emission Weighting Factors (Schedule N).~~ **Contaminant, or TAC:** An air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. Toxic air contaminants include those substances identified by the Air Resources Board under Section 39657 or 39662 of the California Health and Safety Code. For the purposes of this rule, TACs consist of all substances listed in Table 2-5-1.

(Adopted October 21, 1992)

3-238 Risk Screening Fee: Fee for a new and modified source of Toxic Air Contaminants for which a health risk screening analysis is required under Regulation 2-5-401.

3-239 Toxic Surcharge: Fee paid in addition to the permit to operate fee for a source that emits one or more toxic air contaminants (TAC) at a rate which exceeds a trigger level listed in Table 2-5-1.

3-300 STANDARDS

3-302 Fees for New and Modified Sources: Applicants for authorities to construct and permits to operate new sources shall pay for each new source: a filing fee of \$250 ~~per source plus the initial fee and the~~, the initial fee, the risk screening fee, the permit to operate fee, and toxic surcharge (given in Schedules B, C, D, E, F, H, I or K). Applicants for authorities to construct and permits to operate modified sources shall pay for each modified source, a filing fee of \$250, ~~per source plus the initial fee, the risk screening fee,~~ and any incremental increase in permit to operate ~~fees given in Schedules B, C, D, E, F, H, I or K and toxic surcharge fees.~~ Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. Except for sources covered by Schedules D.4A.5. and H, the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification.

302.1 Small Business Discount: ~~If an applicant who qualifies as a small business shall pay one half of the filing fee and, if the source falls under schedules B, C, D.3B., E, F, H, I or K, one half of the initial fee and the full permit to operate fee. If the source falls under schedule D.1, the applicant shall pay the full filing fee, the full initial fee and the permit to operate fee. shall have the filing fee, -and initial fee, and risk screening fee shall be reduced by 50%. All other applicable fees shall be paid in full.~~

302.2 Deleted July 3, 1991

302.3 Fees for Abatement Devices: Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a \$250 filing fee and ~~an initial and risk screening fees~~ that are equivalent to 50% of the initial and risk screening fees for the source

being abated. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.

302.4 Fees for Reactivated Sources: Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, risk screening, ~~and permit, and toxic surcharge~~ fees.

302.5 Schedule G Fees: Applicants for minor modifications to permitted sources subject to Schedules G-3 or G-4 shall pay ~~filing fees and the initial and permit to operate~~ filing, initial, risk screening, permit to operate, and toxic surcharge fees specified under Schedule G-2. Permit renewal fees will continue to be charged under Schedules G-3 and G-4.

(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02)

3-303 Back Fees: An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees and toxic surcharges given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The applicant shall also pay back fees equal to toxic inventory fees pursuant to Section 3-320 and Schedule N. The maximum back fee shall not exceed a total of five years' permit, toxic surcharge, and toxic inventory fees.

(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 10/8/97)

3-304 Replacement: Applicants who are replacing sources with identical equipment shall pay only the filing fee. An application for replacement of components with non-identical components shall pay fees for a change in conditions. Applicants who are replacing sources or equipment with non-identical equipment will pay the filing, initial, risk screening, permit to operate, and toxic surcharge fees. ~~fee plus the initial fee and the permit to operate fee.~~

(Amended 6/4/86; 11/15/00)

3-305 Cancellation or Withdrawal: There will be no refund of initial, risk screening, and filing fees if an application is cancelled or withdrawn. However, if an application for identical equipment is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.

(Amended 7/6/83; 4/6/88; 10/8/97)

3-306 Change in Conditions: If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.

306.1 Administrative Condition Changes: An applicant applying for an administrative change in permit conditions shall pay a fee equal to the filing fee for a single source, provided the following criteria are met:

- 1.1 The condition change applies to a single source or a group of sources with shared permit conditions.
- 1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.
- 1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO_x, CO, SO₂, or PM₁₀ at any source or the emission of a toxic air contaminant above the trigger levels identified in Table 2-5-1 Regulation 2, Rule 1, Table 2-4-316.
- 1.4 The condition change does not require a public notice.

306.2 Other Condition Changes: Applicant shall pay the filing, ~~and initial, and risk screening~~ fees required for new and modified equipment under Section 3-302. If the condition change will result in higher permit to operate fees, the

applicant shall also pay any incremental increases in permit to operate fees and toxic surcharges.

(Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97; 6/7/00)

- 3-308 Change of Location:** An applicant who wishes to move an existing source, which has a permit to operate, shall pay no fee if the move is on the same facility. ~~The applicant shall pay the filing fee, the initial fee and permit to operate fee if~~ the move is not on the same facility, the source shall be considered a new source and subject to Section 3-302. This section does not apply to portable permits meeting the requirements of Regulation 2-1-220 and 413.

(Amended 7/6/83; 6/4/86)

- 3-310 Fee for Constructing Without a Permit:** An applicant for an authority to construct and a permit to operate a source, which has been constructed without an authority to construct, shall pay the following fees:

- 310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-303 and a late fee equal to 100% of the initial fee plus the risk screening fee. A source falling under Schedule D.4A, that is not required to pay an initial fee shall pay a fee equal to 100% of the filing fee plus the risk screening fee.
- 310.2 Sources previously exempt from permit requirements ~~which that~~ lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee and toxic surcharge for the coming year and any back fees pursuant to Section 3-303.
- 310.3 Sources previously exempt from permit requirements ~~which that~~ lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee equal to 100% of the initial fee plus the risk screening fee and any back fees pursuant to Section 3-303.

(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97)

- 3-320 Toxic Inventory Fees:** Any ~~stationary source/facility~~ that emits one or more potentially toxic air pollutants ~~(listed in Schedule N) in quantities above a minimum threshold level~~ toxic air contaminants shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate, toxic surcharge, and other fees otherwise authorized to be collected from such facilities.

- 320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of \$5,750 per year.

(Adopted 10/21/92; Amended 5/19/99)

- 3-327 Permit to Operate, Renewal Fees:** After the expiration of the initial permit to operate, the permit to operate shall be renewed on an annual basis. The fee required for the annual renewal of a permit to operate is the permit to operate fee and toxic surcharge listed in Schedules B, C, D, E, F, H, I, and K. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This annual renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. The permit renewal invoice shall also specify applicable toxic inventory fees based on Schedule N.

(Adopted June 7, 2000)

3-400 ADMINISTRATIVE REQUIREMENTS

- 3-405 Fees Not Paid:** If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:

- 405.1 Authority to Construct: The application will be cancelled, but can be reactivated upon payment of fees.
- 405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.
- 2.1 Fees received during the first 30 days following the due date must include an additional late fee equal to 50 percent of all fees specified on the invoice.~~an annual Permit to Operate Fee.~~
- 2.2 Fees received more than 30 days after the due date must include an additional late fee equal to 100 percent of all fees specified on the invoice.~~an annual Permit to Operate Fee.~~
- 405.3 Renewal of Permit to Operate: The facility will be notified that the permit has lapsed and that further operation is no longer authorized. Reinstatement of lapsed Permits to Operate will require the payment of reinstatement fees in addition to all fees specified on the invoice.~~the Permit to Operate Fee.~~ ~~Permit to Operate~~ Fees shall be calculated using fee schedules in effect at either the time of reinstatement or at the time additional fees are assessed under subsection 3-405.2.
- 3.1 Fees received during the first 30 days following the due date must include all fees specified on the invoice~~the Permit to Operate Fee for the period covered on the invoice~~ plus a reinstatement fee equal to 50 percent of all fees specified on the invoice.~~the annual Permit to Operate Fee.~~
- 3.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include all fees specified on the invoice~~the Permit to Operate Fee for the period covered by the invoice~~ plus a reinstatement fee equal to 100 percent of all fees specified on the invoice.~~the annual Permit to Operate Fee.~~
- 3.3 Fees received more than one year after the due date must include all fees specified on the invoice~~the Permit to Operate Fee~~, prorated from the date the permit expired to the current permit anniversary date, plus a reinstatement fee equal to 150 percent of all fees specified on the invoice.~~the annual Permit to Operate Fee.~~
- 405.4 Other Fees: Persons who have not paid the fee by the invoice due date, shall pay a late fee in addition to the original invoiced fee. Fees shall be calculated using fee schedules in effect at the time of the fees' original determination.
- 4.1 Fees received more than 30 days after the invoice due date must include a late fee of 10 percent of the original invoiced fee.
- (Amended 7/6/83; 6/4/86; 11/5/86; 2/15/89; 6/6/90; 7/3/91; 8/2/95; 12/2/98)

3-415

Failure to Pay - Further Actions: When an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the APCO may take the following actions against the applicant or owner/operator:

- 415.1 Issuance of a Notice to Comply.
- 415.2 Issuance of a Notice of Violation.
- 415.3 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person ~~whose~~ who is delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.
- 415.4 The withholding of any other District services as deemed appropriate until payment in full is made.

(Adopted 8/2/95; Amended 12/2/98)

SCHEDULE B
COMBUSTION OF FUEL
(Adopted June 18, 1980)

For each source that burns fuel, which is not a flare, and which is not exempted by Regulation 2, Rule 1, the fee shall be computed based on the maximum gross combustion capacity of the source.

1. INITIAL FEE: \$33.00 per MM BTU/HOUR
 - a. All ratings rounded to the nearest MM BTU/Hr
 - b. The minimum fee per source is: \$176
 - c. The maximum fee per source is: \$61,560
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$250 plus \$33.00 per MM BTU/hr
 - b. Minimum RSF for first TAC source: \$426
 - c. RSF for each additional TAC source: \$33.00 per MM BTU/Hr *
 - d. Minimum RSF per additional TAC source: \$176 *
 - e. Maximum RSF per source is: \$61,560

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
32. PERMIT TO OPERATE FEE: \$16.50 per MM BTU/HOUR
 - a. All ratings rounded to the nearest MM BTU/HR
 - b. The minimum fee per source is: \$126
 - c. The maximum fee per source is: \$30,780
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: \$1.65 per MM BTU/HOUR
 - b. The minimum fee per TAC source is: \$13
 - c. The maximum fee per TAC source is: \$3,078
53. ROUNDING: Maximum gross combustion capacity of the source shall be rounded to the nearest MM BTU/HR. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
- ~~4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~
65. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.
76. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU
One MM BTU/HR = 1.06 gigajoules/HR
(Amended 6/5/85; 6/4/86; 3/4/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01;
5/1/02)

SCHEDULE C
STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
 (Adopted June 18, 1980)

For each stationary container of organic liquids which is not exempted from permits by Regulation 2 and which is not part of a gasoline dispensing facility, the fee shall be computed based on the container volume, as follows:

1. INITIAL FEE: 0.160 cents per gallon
 - a. The minimum fee per source is: \$176
 - b. The maximum fee per source is: \$23,960
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$250 plus 0.160 cents per gallon
 - b. Minimum RSF for first TAC source: \$426
 - c. RSF for each additional TAC source: 0.160 cents per gallon *
 - d. Minimum RSF per additional TAC source: \$176 *
 - e. Maximum RSF per source is: \$23,960

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
32. PERMIT TO OPERATE FEE: 0.080 cents per gallon
 - a. The minimum fee per source is: \$126
 - b. The maximum fee per source is: \$11,980
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: 0.008 cents per gallon
 - b. The minimum fee per TAC source is: \$13
 - c. The maximum fee per TAC source is: \$1,198
53. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
4. ~~Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE D
GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,
BULK PLANTS AND TERMINALS

(Adopted June 18, 1980)

A.4. All gasoline dispensing facilities shall pay the following fees:

- | | |
|----------------------------|--|
| A1. INITIAL FEE: | \$80.00 per single product nozzle (spn) \$80.00 per product for each multi-product nozzle (mpn) |
| b2. PERMIT TO OPERATE FEE: | \$30.50 per single product nozzle (spn) \$30.50 per product for each multi-product nozzle (mpn) |

3. ~~Initial fees and permit to operate fees for hardware m~~Modifications at a currently permitted gasoline dispensing facility ~~shall pay the following fees with no change to the facilities' expiration date~~ shall be consolidated into a single fee calculated according to the following formula:

e. ~~MODIFICATION FEE:~~

$$\$110.50 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\}$$

mpn = multi-product nozzles

spn = single product nozzles

The above formula includes a toxic surcharge of \$2.75 per nozzle.

If the above formula yields zero or negative results, no ~~modification-initial fees or permit to operate fees~~ shall be charged. These projects shall pay a filing fee only.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will ~~pay a filing fee only not be subject to initial fees or permit to operate fees.~~

4. RISK SCREENING FEE (RSF) of \$250 per application is only applicable to projects for which a health risk screening analysis is required under Regulation 2-5-401 [including increases in permitted throughput for which a health risk screening analysis is required.]

25. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.

B3. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:

- | | |
|---------------------------|--|
| a. INITIAL FEE: | \$1,047 per single product loading arm \$1,047 per product for multi-product arms |
| b. PERMIT TO OPERATE FEE: | \$292 per single product loading arm \$292 per product for multi-product arms |

- | | |
|-----------------|--|
| 1. INITIAL FEE: | \$1,047 per single product loading arm \$1,047 per product for multi-product arms |
|-----------------|--|

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
- | | |
|---|-----------|
| a. RSF for first TAC source in application: | \$1,297 |
| b. RSF for each additional TAC source: | \$1,047 * |
- * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE:
- | | |
|--|--|
| | \$292 per single product loading arm |
| | \$292 per product for multi-product arms |
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- | | |
|---------------------------------------|------------------------------|
| a. Toxic surcharge: | 10% of Permit to Operate fee |
| b. The minimum fee per TAC source is: | \$29 |
- C4. Fees in (4A) above are in lieu of tank fees. Fees in (3B) above are in addition to tank fees.
- D5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
- ~~6. The initial fee and the permit to operate fee have been raised for the above sources that emit benzene, a toxic air contaminant identified by the Air Resources Board.~~
- (Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE E SOLVENT EVAPORATING SOURCES

(Adopted June 18, 1980)

For each solvent evaporating source, as defined in Section 3-210 except for dry cleaners, the fee shall be computed based on the net amount of organic solvent processed through the sources on an annual basis (or anticipated to be processed, for new sources) including solvent used for the cleaning of the sources.

1. INITIAL FEE:
 - a. The minimum fee per source is: \$176
 - b. If usage is not more than 1,000 gallons/year: \$176
 - c. If usage is more than 1,000 gallons/year: \$352 per 1,000 gallons
 - d. The maximum fee per source is: \$14,016
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$250 plus initial fee
 - b. Minimum RSF for first TAC source: \$426
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$176 *
 - e. Maximum RSF per source is: \$14,016

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
32. PERMIT TO OPERATE FEE:
 - a. The minimum fee per source is: \$126
 - b. If usage is not more than 1,000 gallons/year: \$126
 - c. If usage is more than 1,000 gallons/year: \$176 per 1,000 gallons
 - d. The maximum fee per source is: \$7,008
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: 10% of Permit to Operate fee
 - b. The minimum fee per TAC source is: \$13
 - c. The maximum fee per TAC source is: \$701
53. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
- ~~4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~

(Amended 5/19/82; 10/17/84; 6/5/85; 6/4/86; 10/8/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE F MISCELLANEOUS SOURCES

(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, ~~the initial fee is \$176 and the permit to operate fee is \$126,~~ (except for those sources in the special classification lists, G1-G4 below) the fees are:

1. INITIAL FEE: \$176
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$426
 - b. RSF for each additional TAC source: 176 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$126
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: \$13

List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, and G-4.

G-1. FEES FOR SCHEDULE G-1, For each source in a G-1 classification, fees are:

- a. The initial fee is: \$1,050
- b. The permit to operate fee is: \$525
1. INITIAL FEE: \$1,050
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$1,300
 - b. RSF for each additional TAC source: \$1,050 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$525
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: \$52

G-2. FEES FOR SCHEDULE G-2, For each source in a G-2 classification, fees are:

- a. The initial fee is: \$2,100
- b. The permit to operate fee is: \$1,050
1. INITIAL FEE: \$2,100
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.

- | | | |
|--|--|-----------|
| a. | RSF for first TAC source in application: | \$2,350 |
| b. | RSF for each additional TAC source: | \$2,100 * |
| * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1 | | |
3. PERMIT TO OPERATE FEE: \$1,050
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- | | | |
|----|------------------|-------|
| a. | Toxic surcharge: | \$105 |
|----|------------------|-------|
- G-3. FEES FOR SCHEDULE G-3, For each source in a G-3 classification, fees are:
- | | | |
|----|-------------------------------|----------|
| a. | The initial fee is: | \$16,000 |
| b. | The permit to operate fee is: | \$8,000 |
1. INITIAL FEE: \$16,000
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
- | | | |
|--|--|------------|
| a. | RSF for first TAC source in application: | \$16,250 |
| b. | RSF for each additional TAC source: | \$16,000 * |
| * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1 | | |
3. PERMIT TO OPERATE FEE: \$8,000
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- | | | |
|----|------------------|-------|
| a. | Toxic surcharge: | \$800 |
|----|------------------|-------|
- G-4. FEES FOR SCHEDULE G-4, For each source in a G-4 classification, fees are:
- | | | |
|----|-------------------------------|----------|
| a. | The initial fee is: | \$45,720 |
| b. | The permit to operate fee is: | \$22,860 |
1. INITIAL FEE: \$45,720
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
- | | | |
|--|--|------------|
| a. | RSF for first TAC source in application: | \$45,970 |
| b. | RSF for each additional TAC source: | \$45,720 * |
| * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1 | | |
3. PERMIT TO OPERATE FEE: \$22,860
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- | | | |
|----|------------------|---------|
| a. | Toxic surcharge: | \$2,286 |
|----|------------------|---------|
5. ~~Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.~~

- ~~6. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~

(Amended 5/19/82; 6/5/85; 6/4/86; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00;
6/6/01; 5/1/02)

SCHEDULE H SEMICONDUCTOR AND RELATED OPERATIONS

(Adopted May 19, 1982)

All of the equipment within a semiconductor fabrication area will be grouped together and considered one source. The fee shall be as indicated:

1. INITIAL FEE:

- a. The minimum fee per source is: \$176
 - b. The maximum fee per source is: \$14,016
- The initial fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:
- c. SOLVENT CLEANING OPERATIONS, such as usage of:
Solvent Sinks (as defined in Regulation 8-30-214);
Solvent Spray Stations (as defined in Regulation 8-30-221);
Solvent Vapor Stations (as defined in Regulation 8-30-222); and
Wipe Cleaning Operation (as defined in Regulation 8-30-225).
The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):
 - i. If gross throughput is not more than 3,000 gal/yr: \$176
 - ii. If gross throughput is more than 3,000 gallons/year: \$119 per 1,000 gallon
 - d. COATING OPERATIONS, such as application of:
Photoresist (as defined in Regulation 8-30-215); other wafer coating;
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219);
and other miscellaneous solvent usage.
The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):
 - i. If gross throughput is not more than 1,000 gal/yr: \$176
 - ii. If gross throughput is more than 1,000 gallons/year: \$352 per 1,000 gallon

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.

- a. RSF for first TAC source in application: \$250 plus initial fee
 - b. Minimum RSF for first TAC source: \$426
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$176 *
 - e. Maximum RSF per source is: \$14,016
- * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: \$126
 - b. The maximum fee per source is: \$7,008
- The permit to operate fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:
- c. SOLVENT CLEANING OPERATIONS, such as usage of:
Solvent Sinks (as defined in Regulation 8-30-214);
Solvent Spray Stations (as defined in Regulation 8-30-221);
Solvent Vapor Stations (as defined in Regulation 8-30-222); and
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 3,000 gal/yr: \$126
- ii. If gross throughput is more than 3,000 gallons/year: \$59 per 1,000 gallon

- d. COATING OPERATIONS, such as application of:
Photoresist (as defined in Regulation 8-30-215); other wafer coating;
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219);
and other miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 1,000 gal/yr: \$126
- ii. If gross throughput is more than 1,000 gallons/year: \$176 per 1,000 gallon

- 4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.

- a. Toxic surcharge: 10% of Permit to Operate fee
- b. The minimum fee per TAC source is: \$13
- c. The maximum fee per TAC source is: \$701

- 53. The fee for each source will be rounded to the whole dollar. Fees for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

- 4. ~~Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~

(Amended 1/9/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/20/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE I
DRY CLEANERS
 (Adopted July 6, 1983)

For dry cleaners, the fee shall be computed based on each cleaning machine, except that machines with more than one drum shall be charged based on each drum, regardless of the type or quantity of solvent, as follows:

1. INITIAL FEE FOR A DRY CLEANING MACHINE (per drum):
 - a. If the washing or drying capacity is no more than 100 pounds: \$176
 - b. If the washing or drying capacity exceeds 100 pounds: \$176 plus
 For that portion of the capacity exceeding 100 pounds: \$5.24 per pound
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$250 plus initial fee
 - b. Minimum RSF for first TAC source: \$426
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$176 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
32. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
 - a. If the washing or drying capacity is no more than 100 pounds: \$126
 - b. If the washing or drying capacity exceeds 100 pounds: \$126 plus
 For that portion of the capacity exceeding 100 pounds: 2.62 per pound
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: 10% of Permit to Operate fee
 - b. The minimum fee per TAC source is: \$13
53. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
4. ~~Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~

(Amended 10/17/84; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE K SOLID WASTE DISPOSAL SITES

(Adopted July 15, 1987)

1. INITIAL FEE:
 - a. Inactive or Closed Solid Waste Disposal Sites \$1,050
 - b. Active Solid Waste Disposal Sites \$2,100
 - c. For applications involving only new or modified gas collection system equipment, the initial fee shall be 50% of the appropriate initial fee determined by a. or b. above.
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$250 plus initial fee
 - b. RSF for each additional TAC source: equal to initial fee *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
2. PERMIT TO OPERATE FEE:
 - a. Inactive or Closed Solid Waste Disposal Sites \$525
 - b. Active Solid Waste Disposal Sites \$1,050
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1. This fee shall not be assessed for TACs not listed in Table 2-5-1.
 - a. Toxic surcharge: 10% of Permit to Operate fee
53. Evaluation of Reports and Questionnaires:
 - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$835
 - b. Inactive Site Questionnaire evaluation as required by Health & Safety Code Section 41805.5(b) \$418
 - c. Evaluation of Solid Waste Air Assessment Test report in conjunction with evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$418
 - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$307
 - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$880
 - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$307
 - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$770
64. Fees for each source will be rounded off to the nearest dollar. The fee for sources will be rounded up or down to the nearest dollar.
- ~~5. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.~~
76. For the purposes of this fee schedule, a solid waste disposal site shall be considered active, if it has accepted solid waste for disposal at any time during the previous 12 months or has plans to accept solid waste for disposal during the next 12 months.
(Amended 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/6/99; 6/7/00; 6/6/01; 5/1/02)

SCHEDULE N TOXIC INVENTORY FEES

(Adopted October 21, 1992)

For each stationary source emitting substances covered by California Health and Safety Code Section 44300 *et seq.*, the Air Toxics "Hot Spots" Information and Assessment Act of 1987, which have trigger levels listed in Table 2-5-1, a fee based on the weighted emissions of the facility shall be assessed based on the following formulas:

1. A fee of \$5 for each gasoline product dispensing nozzle in the facility, if the facility is a Gasoline Dispensing Facility; or
2. A fee of \$125 if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 50 weighted pounds per year and less than 1000 weighted pounds per year; or
3. A fee of \$125 + $S_L \times (w_i - 1000)$ if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 1000 weighted pounds per year;

where the following relationships hold:

w_i = facility weighted emissions for facility j ; where the weighted emission for the facility shall be calculated as a sum of the individual emissions of the facility multiplied by either the Unit Risk Factor Value-(URF) for the substance times one hundred thousand (in cubic meters/microgram) if the emission is a carcinogen, or by the reciprocal of the ~~acceptable~~ chronic reference exposure level (~~AEL~~ REL_C) for the substance (in cubic meters/microgram) if the emission is not a carcinogen [use URF and REL_C as listed in Table 2-5-1]:

w_j = Facility Weighted Emission = $\sum_{i=1}^n E_i * Q_i$ where

n = number of toxic substances emitted by facility

E_i = amount of substance i emitted by facility in lbs/year

Q_i = ~~Unit Risk Value-URF~~ * 10^5 if i is a carcinogen; or

Q_i = ~~[Acceptable Exposure Level~~ REL_C $]$ ⁻¹ if i is not a carcinogen

F_T = Total amount of fees to be collected by the District to cover District and State of California AB 2588 costs as most recently adopted by the Board of Directors of the California Environmental Protection Agency, Air Resources Board, and set out in the most recently published "Amendments to the Air Toxics "Hot Spots" Fee Regulation," published by that agency.

N_L = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 1000 weighted pounds per year.

N_S = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 50 weighted pounds per year and less than 1000 weighted pounds per year.

N_{NOZ} = Number of gasoline-product-dispensing nozzles in currently permitted Gasoline Dispensing Facilities.

S_L = Surcharge per pound of weighted emissions for each pound in excess of 1000 weighted pounds per year, where s_L is given by the following formula:

$$S_L = \frac{F_T - (125 \times N_S) - (125 \times N_L) - 5 \times N_{NOZ}}{\sum_{j=1}^{N_L} (w_j - 1000)}$$

(Amended December 15, 1993)

**REGULATION 8
ORGANIC COMPOUNDS**

**RULE 40
AERATION OF CONTAMINATED SOIL AND
REMOVAL OF UNDERGROUND STORAGE TANKS**

8-40-118 Exemption, Aeration Projects of Limited Impact: The requirements of Sections 8-40-403 and 8-40-405 shall not apply to any aeration project in which total project emissions of volatile organic compounds are less than 150 lbs, and total project emissions of toxic air contaminants are less than the ~~limits~~ trigger levels listed in Table ~~2-4-346~~ 2-5-1 in District Regulation 2, Rule ~~45~~.

(Adopted December 15, 1999)

MANUAL OF PROCEDURES

INDEX

VOLUME II ENGINEERING PERMITTING PROCEDURES

- 1. Introduction**
- 2. Permits, General**
- 3. Major Facility Review Permit Requirements**
- 4. New and Modified Sources of Toxic Air Contaminants**

MANUAL OF PROCEDURES

VOLUME II

ENGINEERING PERMITTING PROCEDURES

INDEX

PART 4. NEW AND MODIFIED SOURCES OF TOXIC AIR CONTAMINANTS

1. Introduction

2. Review Procedures for Sources with TAC Emissions

2.1 Review Process

2.2 Permit Requirements

2.3 TAC Emissions

2.4 TAC Trigger Levels

2.5 Health Risk Screening Analysis Requirements and Procedures

3. Permit Applications

3.1 Procedures

3.2 Fees

3.3 Application Information

3.4 Additional Completeness Criteria

4. Regulation 2, Rule 5, New Source Review of TAC

4.1 Applicability

4.2 Best Available Control Technology for Toxics (TBACT)

4.3 Project Risk Requirements

4.4 Facility Risk Requirements

5. Glossary

ENGINEERING PERMITTING PROCEDURES

PART I

INTRODUCTION

This document provides the information that an applicant may need to prepare and file an application with the BAAQMD. It describes the information required for a complete application. Please be aware that the Permit Regulations may be revised; any inconsistencies between this document and the Regulations shall be resolved in favor of the Regulations.

ENGINEERING PERMITTING PROCEDURES

PART II

PERMITS, GENERAL

1. TYPES OF PERMITS

The District issues different permits for different purposes. An operator who plans to install a new non-exempt source, or modify an existing one in a way that will increase emissions, must first obtain an Authority to Construct (A/C). Each operating non-exempt source of air pollution at a facility (each individual piece of equipment), requires a Permit to Operate (P/O). Certain kinds of portable equipment require registration before they can operate within the District. Major facilities are subject to the Title V Federal Permitting Program.

1.5 Title V Permitting Program (Synthetic Minor Permit)

Facilities with a potential to emit more than 100 tons per year may accept ~~enforceable~~enforceable limits on their emissions to stay below the 100 ton per year threshold for a MFR permit. The resulting permit is a Synthetic Minor permit, so-called because the limitation on emissions is administrative and not inherent in the equipment.

2. PROCEDURES

District staff review the application to determine whether it meets the District's emission criteria. Call our Public Information Office at (415) 749-4900 for copies of the District's regulations. District Regulations are also available on the District's Website at <http://www.baaqmd.gov>.

For most applications, the evaluation will be completed within 49 calendar days of receipt and the applicant will be notified of the District's decision. The decision can be any one of the following:

- Issue an Authority to Construct with Conditions.
- Waive the Authority to Construct and issue a Permit to Operate with Conditions.
- Find part or all of the application Exempt from permit requirements.
- Deny the application.

Applications for large projects requiring offsets or other specialized treatment or approvals, may require more than 60 days for District review; and 30 additional days will be required for public comment and for review by EPA and the California Air Resources Board. Either of these agencies may ask for extensions.

If the equipment is in compliance, the District will issue the Permit to Operate within a few days after the compliance determination. It is valid for one year from the date of startup and is renewable on the facility's anniversary date.

If the source is at a facility with a synthetic minor or MFR permit, the process of amending that permit will be conducted concurrently.

4. INFORMATION REQUIRED FOR A PERMIT APPLICATION

In order to carry out its statutory responsibilities, the District must obtain sufficient information from each applicant to enable it to determine what the emissions would be and whether the emissions will comply with District regulations. The nature of the information required varies considerably between various types of equipment and processes and between small projects and large projects.

6. CRITERIA TO DETERMINE COMPLETENESS

A complete application provides sufficient information to enable the District to estimate what the emissions from the new or modified source will be. The following completeness list is provided for your assistance; not all of the items refer to every application. If you have fully answered all of the questions referring to your proposed installation, your application will be complete.

8. DEFINITIONS

Source: The equipment used to perform the operations preceding the emission of an air contaminant, which ~~operations~~ result in the creation or separation of the air contaminants or determine or substantially affect the quantity of air contaminant emitted, but not including air pollution control operations.

Facility: A unit or an aggregation of units of non-vehicular air contaminant emitting equipment located on one property or on contiguous properties under the same

ownership or entitlement to use and operate; and, in the case of an aggregation of units, those units which are related to one another. Units shall be deemed related to one another if the operation of one is dependent upon, or affects the process of, the other; if the operation involves a common or similar raw material product, or function; or if they have the same first two digits in their Standard Industrial Classification Codes as determined from the Standard Industrial Classification Manual published in 1972 by the Executive Office of the President, Office of Management and Budget. In addition, in cases where all or part of a stationary source is a facility used to load cargo onto or unload cargo from cargo carriers, other than motor vehicles, the APCO shall consider such carriers to be parts of the stationary source. Accordingly, all emissions from such carriers (excluding motor vehicles) while operating within the District and within California Coastal waters adjacent to the Air Basin shall be considered to be emissions from such stationary source. Emissions from such carriers shall include those that result from the purging or other method of venting vapors; and from the loading, unloading, storage, processing and transfer of cargo. However, emissions from the operation of the carriers' engines shall be considered only while such carriers are operating within the District.

9. GOOD ENGINEERING PRACTICE STACK HEIGHT

Good Engineering Practice (GEP) Stack Height: The greater of the following:

- (2) For stacks in existence on January 12, 1979 and for which the owner or operator had obtained an Authority to Construct under Section 2-1-301 for the source venting to the stack. Two and one-half times the height of the highest nearby structure measured from the ~~ground level~~ground level elevation at the base of the stack; or

Bay Area Air Quality Management District

MANUAL OF PROCEDURES

VOLUME II

ENGINEERING PERMITTING PROCEDURES

PART 4

**NEW AND MODIFIED SOURCES OF TOXIC AIR
CONTAMINANTS**

MANUAL OF PROCEDURES

VOLUME II

ENGINEERING PERMITTING PROCEDURES

PART 4

NEW AND MODIFIED SOURCES OF TOXIC AIR CONTAMINANTS

INDEX

| | |
|---|-----------|
| 1. INTRODUCTION | 1 |
| 2. REVIEW PROCEDURES FOR SOURCES WITH TAC EMISSIONS..... | 2 |
| 2.1 REVIEW PROCESS..... | 2 |
| 2.2 PERMIT REQUIREMENTS | 3 |
| 2.3 TAC EMISSIONS..... | 4 |
| 2.4 TAC TRIGGER LEVELS..... | 4 |
| 2.5 HEALTH RISK SCREENING ANALYSIS REQUIREMENTS AND PROCEDURES..... | 4 |
| 3. PERMIT APPLICATIONS | 5 |
| 3.1 PROCEDURES | 6 |
| 3.2 FEES7 | |
| 3.3 APPLICATION INFORMATION..... | 8 |
| 3.4 ADDITIONAL COMPLETENESS CRITERIA | 15 |
| 4. REGULATION 2, RULE 5, NEW SOURCE REVIEW OF TAC | 18 |
| 4.1 APPLICABILITY..... | 18 |
| 4.2 BEST AVAILABLE CONTROL TECHNOLOGY FOR TOXICS (TBACT) | 20 |
| 4.3 PROJECT RISK REQUIREMENTS..... | 21 |
| 4.4 FACILITY RISK REQUIREMENTS..... | 22 |
| 5. GLOSSARY | 23 |

VOLUME II
ENGINEERING PERMITTING PROCEDURES

PART 4
NEW AND MODIFIED SOURCES OF TOXIC AIR CONTAMINANTS

REF: BAAQMD Regulation 2, Rule 1
BAAQMD Regulation 2, Rule 5

1. INTRODUCTION

In 1986, the Bay Area Air Quality Management District Board of Directors adopted a plan to reduce public exposure to toxic air contaminants (TACs) in the San Francisco Bay Area. One of the plan elements was for District staff to begin reviewing permit applications for new and modified sources for potential health risks associated with any emitted TACs. The goals of this review were to: (1) prevent significant increases in health risks from newly constructed or modified stationary sources, and (2) reduce health risks by requiring improved air pollution controls when older, more highly emitting, sources were modified or replaced. After holding a public workshop on the matter, the District adopted a Risk Evaluation Procedure (REP) and Risk Management Policy (RMP) in 1987.

The REP established a methodology for completing health risk screening analyses (HRSA) for new and modified sources that was based on guidelines developed by a statewide working group (Air Toxics Assessment Manual, CAPCOA, 1987). The RMP established specific criteria for permit issuance under which it was determined that the TAC emissions from a proposed project would not cause, or contribute significantly to, an unacceptable adverse health risk for a member of the public. The RMP also specified that the District's Air Pollution Control Officer was ultimately responsible for risk management, and could consider a variety of factors when determining the acceptability of a proposed project and whether to issue or deny a permit.

The District's REP and RMP were updated several times since their original adoption, primarily in response to revisions in statewide health risk assessment and risk management guidelines. These revisions included risk assessment guidelines adopted for use in the Air Toxics Hot Spots (ATHS) Program, and risk management guidelines for new and modified sources adopted by CARB. The District established a specific RMP for dry cleaners that allowed permits to be issued for health risks within the action range identified in the CARB risk management guidelines, provided that the Best Available Control Technology and all reasonable risk reduction measures were employed. The District also established a specific risk management

policy for diesel-fueled engines so that limitations would not need to be placed on standby engines during emergency use.

In 2003, the District's REP and RMP were codified into Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants. A number of program enhancements were also made, primarily to increase conformity with risk assessment guideline revisions made by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA), and risk management guidelines adopted by CARB. This Part of the Manual of Procedures (MOP) provides guidance on the District's Air Toxics NSR Program, and on permit application requirements for sources that emit TACs. The guidance provided in this Part is intended to be a companion to Regulation 2, Rules 1 and 5, and to clarify the requirements contained therein. None of the procedures described in this Part may be construed to relieve any person of the obligation to comply with any applicable requirement of Regulation 2, Rule 1, or Regulation 2, Rule 5.

2. REVIEW PROCEDURES FOR SOURCES WITH TAC EMISSIONS

The District requires that the health impacts from all new and modified sources that emit TACs be evaluated before an Authority to Construct or Permit to Operate is issued, in order to ensure that a proposed project will not cause, or contribute significantly to, an unacceptable adverse health risk for an individual. This evaluation program is referred to as new source review of toxic air contaminants. The health impact review requirements and the criteria for an acceptable project are implemented through the District's Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants.

This section describes the District's review process for sources with TAC emissions. Permit application requirements for sources with TAC emissions are discussed in Section 3. The applicability of Regulation 2, Rule 5 and its requirements are clarified in Section 4.

2.1 Review Process

The following list of steps provides an overview of the District's review process for new and modified sources with TAC emissions. Steps or review procedures that are unique to sources with TAC emissions are discussed in more detail in the following sections.

- Identify all sources and/or abatement devices that will emit TACs.
- Use the Regulation 2, Rule 1 Permit / Exemption Flow Chart to determine if any of the proposed equipment is excluded from permit requirements pursuant to Regulation 1-110 or exempt

from permit requirements pursuant to Regulations 2-1-105 or 2-1-113.

- Calculate the maximum hourly and maximum annual TAC emissions from each source and/or abatement device.
- Compare the TAC emissions from each source or abatement device to the TAC trigger levels in Table 2-5-1.
- Determine if a permit application is required for any of the proposed equipment pursuant to Regulations 2-1-316 through 319.
- Submit permit application, if required.
- Determine if any sources are new or modified sources of toxic air contaminants as defined in Regulations 2-5-214 and 2-5-216.
- Identify any related permit applications and all new or modified sources of toxic air contaminants that constitute the project as defined in Regulation 2-5-217.
- Determine the TAC emission increases for the project in accordance with Regulation 2-5-601.
- Compare the TAC emission increases for the project to the TAC trigger levels in Table 2-5-1.
- If a TAC emission increase for a source or the project exceeds a Table 2-5-1 TAC trigger level, conduct a Health Risk Screening Analysis for the project.
- Evaluate project for compliance with Regulation 2, Rule 5.

2.2 Permit Requirements

General permit requirements for equipment and operations are discussed in MOP, Volume II, Part 2. The procedures for identifying sources and abatement devices and determining when permit applications are required for sources with TAC emissions are much the same as the procedures for other types of sources. Unusual cases, where the permit requirements for TAC sources may differ from the requirements for sources without TAC emissions, are discussed below in Section 3.

2.3 TAC Emissions

The applicability of many permitting and new source review requirements depends of the level of TAC emissions from the source or project. Sections 3.3.1 and 3.3.2 describe the information that the District needs in order to calculate the TAC emissions from sources and projects.

2.4 TAC Trigger Levels

Due to the large number of new and modified sources that emit TACs and the finite resources available for evaluating the health impacts from these sources, the District has developed several tools to streamline the health impact evaluation process. One of these tools is the District's table of toxic air contaminant trigger levels (Regulation 2, Rule 5, Table 2-5-1).

The TAC trigger levels are emission rate thresholds below which it would be very unlikely that a source or project would cause, or contribute significantly to, an adverse health risk to the surrounding community. The TAC trigger levels were developed based on de minimis health risks using conservative assumptions regarding how emissions are released to the atmosphere, how they are transported and dispersed to off-site locations, and the duration of a person's exposure. Sources emitting TACs at emission rates below these trigger levels are not expected to cause, or contribute significantly to, an unacceptable adverse health risk for any individual.

In June 1995, the District adopted a set of TAC Trigger Levels in Regulation 2, Rule 1 (Table 2-1-316: Toxic Air Contaminant Trigger Levels). These trigger levels have been revised several times since 1995, as new information about health impacts and other data became available. Upon adoption of Regulation 2, Rule 5, Table 2-1-316 was replaced by Table 2-5-1. Table 2-5-1 includes both acute trigger levels (in units of pounds per hour) and chronic trigger levels (in units of pounds per year).¹ These acute and chronic trigger levels are used to determine if permit requirements apply to certain new and modified sources that otherwise would be exempt from the need to obtain District permits. Permit application requirements are discussed below in Section 3. The trigger levels are also used to determine whether new and modified sources that are subject to District permit requirements must comply with Regulation 2, Rule 5. The applicability of Regulation 2, Rule 5 is discussed below in Section 4.

2.5 Health Risk Screening Analysis Requirements and Procedures

¹ Table 2-1-316 contained only chronic trigger levels.

In general, a health risk screening analysis (HRSA) is required for any permit applications involving new or modified sources, where the TAC emissions from a source or project exceed one or more TAC trigger levels. An HRSA may also be required for other reasons such as determining permit requirements for sources subject to Regulation 2-1-316, or for CEQA purposes.

If an HRSA is required by Regulation 2, Rules 1 or 5, the analysis will be conducted in accordance with the District's Health Risk Screening Analysis Guidelines. These guidelines will be maintained on the District's web site [\[link to web site address for these guidelines will be inserted when available\]](#) and will specify, or contain references to, the procedures to be followed for determining acute hazard index, chronic hazard index, cancer risk, and cancer burden. Whenever possible, these guidelines will conform to the Health Risk Assessment Guidelines established by OEHHA for use in the Air Toxics Hot Spots Program.

The information the District requires in order to conduct an HRSA is listed in Section 3.3.3 below.

3. PERMIT APPLICATIONS

Permit applications are required for all new and modified sources emitting TACs that are subject to the District's permit requirements (Regulations 2-1-301 and 2-1-302). A permit application is not required for a new or modified source if the source is determined to be exempt from permitting requirements because:

- (a) the source qualifies for an exemption from permit requirements pursuant to Regulation 2, Rule 1, Sections 103 or Sections 114-128, and
- (b) the source has no TAC emissions exceeding an acute or chronic trigger level listed in Table 2-5-1, and
- (c) the source does not otherwise require a permit under the requirements of Regulation 2-1-316.2, 317, 318, or 319.

In accordance with Regulation 2-1-316.1, permits may be required for new and modified sources that would otherwise qualify for an exemption from permit requirements pursuant to Regulations 2-1-103 or 2-1-114 through 1-1-128, if the source emits a TAC at an emission rate that exceeds an acute or chronic trigger level listed in Table 2-5-1. For such sources, an evaluation of the health risks resulting from TAC emissions needs to be completed to determine if permits are required. The District may request that the owner or operator of a new or modified source that is potentially subject to Regulation 2-1-316 demonstrate that the source complies with the requirements of Regulations 2-1-316.1 and 316.2. The owner/operator of such a source may

also submit a permit application and the District will evaluate the health impacts from the source, and any control measures used by the source, to determine if the source satisfies the requirements of Regulations 2-1-316.1 and 316.2 and is thereby allowed to retain an exemption from permit requirements.

Any new or modified sources that are constructed without an Authority to Construct or operated without a Permit to Operate may be subject to enforcement action and additional permit application fees. Existing unpermitted sources that do not have a current exemption from District permit requirements are also subject to enforcement action and additional application fees, unless the source was covered by a valid exemption and the source lost its exempt status due to changes in District, California, or federal regulations.

Permit applications for sources with TAC emissions are subject to the general requirements and procedures discussed in MOP Volume II, Part 2 "Permits, General". The specific permit application requirements and procedures that apply only to sources that emit TACs are discussed in more detail below.

3.1 Procedures

Most applications for sources with TAC emissions can be handled within the typical permitting time frames discussed in MOP, Volume II, Part 2, Section 2. The District will generally make a completeness determination within 15 working days of receiving the application, and make a final decision within 35 working days of the date that the application is declared complete (the "completeness" date). However, applications involving sources with TAC emissions over a trigger level require additional information (i.e., risk screening analysis form, including a plot plan or map showing source locations, property boundaries and nearby receptor locations) before the application will be declared complete. Applicants should ensure that all of the forms, maps, data, and other information requested in Sections 3.3 and 3.4 are included in the application package in order to avoid delays due to submitting an incomplete application.

Applications for projects that do not meet the project risk requirements of Regulation 2-5-302, and for which the applicant is requesting an exemption from 2-5-302 pursuant to the Regulation 2-5-112 specific findings exemption, cannot be processed within the time frames discussed above. These applications are not ministerial nor categorically exempt from CEQA review, and an Environmental Impact Report (EIR) may be required. These applications also require the submittal of a risk reduction plan pursuant to Regulation 2-5-405, and a 30-day public comment period pursuant to Regulation 2-5-408.

For applications involving a specific findings exemption, the application will not be declared complete until the District has received the risk reduction plan and all information necessary for the District to prepare a specific findings report (see Sections 3.3.5-3.3.7 and 3.4). If an application has been declared complete and the applicant subsequently requests to amend the application by submitting a specific findings petition (Regulation 2-5-404), the application will be deemed incomplete until the District receives all required information. The preliminary decision on applications requiring a specific findings report will typically be made within 90 days of the completeness date. The final decision on the application can only be made after the conclusion of the 30-day public comment period and after the CEQA determination is finalized, generally within 180 days of the completeness date.

3.2 Fees

Permit application fees are established in Regulation 3. In accordance with Regulation 3, Schedules B - K, sources that emit a TAC at a rate in excess of a trigger level listed in Table 2-5-1 are subject to risk screening fees and toxic surcharges. The risk screening fee is a one-time fee that shall be paid for each permit application (similar to filing and initial fees), while the toxic surcharge is an annual fee for each permitted source (similar to the permit to operate fee). These fees are discussed in more detail in Sections 3.2.1 and 3.2.2 below.

3.2.1 Risk Screening Fee (RSF)

The risk screening fee applies to any permit applications for new or modified sources, where the emissions from the project require a health risk screening analysis pursuant to Regulation 2-5-401. This fee consists of a flat charge per application plus a charge per source that is generally equal to the initial fee for that source. For gasoline dispensing facilities, the RSF is a flat charge per application. Consult the appropriate fee schedule for each type of source in the application to determine the applicable risk screening fee.

As discussed in Section 3.3.1, a project, as defined in Regulation 2-5-217, includes any new or modified sources of TACs in the current application and may also include new or modified sources of TACs that were permitted in previous permit applications. For the purposes of calculating the risk screening fee for the current application, any sources that are considered part of the project but that were permitted under previous applications are not subject to the risk screening fee,

unless the source is being modified under the current application.

The risk screening fee shall be included when calculating any applicable late fees (Regulation 3-310) or the small business discount (Regulation 3-302.1).

3.2.2 Toxic Surcharge

The toxic surcharge applies to any source that emits a TAC at a rate above a chronic trigger level listed in Table 2-5-1. Consult the appropriate fee schedule for the source to determine the applicable toxic surcharge. This fee must be paid, in addition to the permit to operate fee, for each year of source operation.

The toxic surcharge shall be included when calculating any applicable back fees (Regulation 3-303).

As with permit to operate fees, the toxic surcharge shall be refunded if an applicant cancels or withdraws a permit application or the Authority to Construct expires and the source was never operated.

3.3 Application Information

Permit applications must contain all the information necessary to determine the scope of the project, characterize the emissions from the project, and determine compliance with all applicable requirements. For projects emitting TACs, sufficient information must be submitted in order to: identify the project, calculate emissions increases for compounds listed in Table 2-5-1, conduct a health risk screening analysis (if project emission increases exceed a trigger level), and determine compliance with TBACT requirements (if applicable). For any project that does not meet the project risk requirements of Regulation 2-5-302, if the applicant would like to petition the APCO to make a specific findings exemption (Regulation 2-5-112), the application must also include a risk reduction plan. For any application involving a specific findings exemption, the application must include all of the above information plus all information necessary for the APCO to prepare a specific findings report and conduct a public notification for the project.

The application requirements for projects involving TAC emissions are discussed in more detail below. In addition, the District has published several documents that may be useful for preparing permit application packages. The District's Permit Handbook contains guidance regarding application forms, fees, emission calculations, applicable

regulations, and permit conditions for various different source types. The Permit Handbook is available on line at: www.baaqmd.gov/permit/handbook/default.htm. The District maintains a BACT/TBACT Workbook that specifies TBACT requirements for commonly permitted sources. The BACT/TBACT Workbook also describes the procedures for calculating the cost effectiveness of a control measure and making a BACT/TBACT determination for a specific source or project. This document is intended to be used as a guide by BAAQMD staff engineers, the regulated community, and interested members of the public in determining the specific emission limits and emission control devices or techniques needed to meet BACT and TBACT requirements. The BACT/TBACT Workbook is available online at: www.baaqmd.gov/permit/bactworkbook/default.htm. The District's Health Risk Screening Analysis Guidelines describe the procedures to be followed when conducting a health risk screening analysis. Wherever possible, these guidelines rely on the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines. These guidelines discuss the types of air dispersion models that may used, the selection of meteorological data and other input parameters for the models, the types of receptors that may be involved, the criteria for establishing receptor locations, approved health effects values for the compounds listed in Table 2-5-1, and the procedures for calculating acute hazard index, chronic hazard index, cancer risk, and cancer burden. The Health Risk Screening Analysis Guidelines are available on line at: [insert web site link, when it is available]. All documents are/will be available from the District's Public Information Department (415-749-4900). Consult the District's website (www.BAAQMD.gov) for additional information about rules, regulations, permitting requirements, and other programs.

3.3.1 Project Identification

As with any permit application, the applicant must identify the sources, abatement devices, operational changes, and/or permit condition changes, which are the subject of the permit application. For large or complicated projects, the applicant should include plot plans showing the locations of equipment and emission points and process, material, and pollutant flow diagrams. For all projects, the applicant should provide completed data forms for each source, abatement device, and emission point (www.baaqmd.gov/permit/forms.htm) and equipment specifications, vendor literature, process descriptions, or other written material, as necessary, to explain or establish maximum possible or maximum permitted capacities (storage volumes, operating rates, throughput rates, fuel usage rates, etc.).

For applications involving new or modified sources of TACs that are subject to Regulation 2, Rule 5 (see Section 2 above), the applicant should also identify any equipment or modifications that are related to the current application, because the sources are considered to be part of the project, as defined in Regulation 2-5-217. These related sources include any new or modified sources of TACs that were permitted within two years prior to the completeness date for the current application, unless the sources are not related by a functional or business purpose (i.e., the operation of one source does not depend on, or affect, the operation of another source). If the applicant believes that sources permitted within this two year time period are unrelated, the applicant should provide the rationale for this determination. In addition, any successive modifications of a source occurring January 1, 1987, including increases in permitted throughput levels, are considered to be part of the project. Sources that are determined to be exempt from permitting requirements are not part of the project, even if the exempt source will emit a TAC.

Regulation 2-5-216 defines a new source of TAC. This definition is essentially the same as the definition of new source in Regulation 2-1-232, except that the applicability date for a new source of TAC is January 1, 1987 instead of March 7, 1979.²

² January 1, 1987 is the initial effective date of the District's Toxic NSR program, which was first adopted as a policy and procedure document in 1987 and later codified as Regulation 2, Rule 5 in 2003.

Regulation 2-5-214 describes how to determine whether or not a physical or operational change constitutes a modified source of TAC.

3.3.2 Emissions Characterization

The applicant must supply sufficient information for the District to determine maximum hourly and/or maximum annual emissions for any TAC listed in Table 2-5-1 that is emitted from the source or abatement device. Although many TACs have both acute and chronic trigger levels, some TACs have only a chronic trigger level or, in a few cases, only an acute trigger level. Maximum hourly emissions need to be determined only for a TAC that has an acute trigger level. Likewise, maximum annual emissions need to be determined only for a TAC that has chronic trigger level.

The District typically uses maximum hourly and maximum annual capacities and TAC emission factors in order to determine the maximum hourly and maximum annual emission rates. The emission factors may be derived from source test data, certified emission rates, vendor guarantees, AP-42 ³, the California Air Toxic Emission Factors (CATEF) database ⁴, or other literature.

If desired, the applicant may propose maximum hourly and maximum annual emission rates for a source or abatement device. The applicant should provide emission calculations to support the proposed emission rates and supply copies of any source test data, vendor guarantees, or literature citations that were used in the emission calculations.

3.3.3 Health Risk Screening Analysis Information

For any source or project that emits a TAC in excess of a Table 2-5-1 TAC trigger level, the applicant must submit a complete risk screening analysis (RSA) form (www.baaqmd.gov/permit/forms/riskscr2.doc), or equivalent information. One RSA form should be completed for each source with TAC emissions. If a source has multiple emission points or if multiple sources vent to a single emission point, an

³ AP-42 is an EPA publication of emission factors for many different source types. The report is entitled Compilation of Air Pollution Emission Factors, fifth edition, and is available on line at: www.epa.gov/ttn/chief/ap42/index.html.

⁴ The California Air Resources Board (CARB) maintains a database of emission factors for many different source types. It is organized similar to AP-42 and is also available on line at: www.arb.ca.gov/emisinv/catef/catef.htm.

RSA form should be completed for each stack or emission point. If the emissions are fugitive in nature with no specific emission point, the RSA form should also be completed, with the source considered to be an area or volume source.

The RSA form specifies that a plot plan or map be included showing the location of the sources in the project, the facility boundaries, the nearest businesses, and the nearest residences. Aerial photographs may also be acceptable for this purpose. The maps should be drawn to scale with compass directions correctly indicated. The maps should identify the location of each stack (or area of release for an area or volume source) that emits a TAC, the property lines for the facility, areas zoned for commercial/industrial use, the locations of the nearest worker receptors, areas zoned for residential use, and the locations of the nearest residential receptors. For stack sources, the location and dimensions (including heights) of the stacks and any nearby buildings (generally within 250 feet of the stack) should be provided so that the effects of aerodynamic downwash can be evaluated. The application should also contain information regarding the expected operating schedule of each source, so that temporal variations of TAC emission rates can be evaluated (e.g., based on time of day, season, etc.).

An applicant may elect to submit a completed health risk screening analysis that follows the specified guideline procedures. Submittal of such an analysis does not, however, eliminate the need to provide the basic health risk screening analysis information previously described. Applicants are encouraged to submit copies of all model input files used in a risk screening analysis in electronic format. For larger projects, it is recommended that a protocol describing the details of the proposed health risk assessment methodology be submitted for District review prior to the completion of the analysis.

3.3.4 TBACT Determinations

New and modified sources with health risks exceeding a threshold in Regulation 2-5-301 are required to have Best Available Control Technology for Toxics (TBACT). TBACT can include emissions control equipment, process modifications, material substitutions, control procedures, work practice standards, or a combination of these methods of reducing TAC emissions. For guidance on TBACT requirements for commonly permitted sources, consult the District's

BACT/TBACT Workbook, which is available online at: www.baaqmd.gov/permit/bactworkbook/default.htm.

Applications for sources that are subject to the TBACT requirement must include adequate information for the District to determine whether this requirement is met. Applicants are encouraged to provide documentation that can be used to support TBACT determinations for affected sources. Appropriate documentation may include: descriptions of the control methods, alternative materials, or abatement devices that will be used and source test data, vendor guaranteed emission rates, destruction efficiencies, or other data for the chosen control method. For diesel-fired IC engines, EPA or CARB certified emission factors should be submitted for the proposed engine model and model year. If the applicant is claiming that a control method is infeasible or too costly, the applicant should provide capital and operating costs for each rejected control method and/or any documentation necessary to justify that a control method is infeasible.

3.3.5 Risk Reduction Plans

Applications for projects that do not meet the project risk requirements of Regulation 2-5-302, and for which the applicant would like to petition the APCO to grant a specific findings exemption, must contain a risk reduction plan meeting the requirements of Regulation 2-5-405. An applicant that does not initially submit a specific findings petition including a risk reduction plan will be provided the opportunity to submit one during the permit evaluation period, provided that the applicant agrees to have the application be declared incomplete until all required information has been submitted (within a time period agreed upon by the applicant and APCO) and provides written consent to extend the application review period, if needed. An application may also be canceled and resubmitted with the required risk reduction plan. This resubmittal must occur within six months of cancellation, however, in order for permit fees to be fully credited.

If the applicant can provide a net project health risk demonstration as defined in Regulation 2-5-215, the risk reduction plan need only address the sources in the proposed project. Otherwise, the risk reduction plan must address the sources in the proposed project plus all other existing permitted sources of TACs at the facility.

The risk reduction plan must include all reasonable risk reduction measures to reduce TAC emissions and/or health risks for the project and/or facility. Risk reduction measures are defined in Regulation 2-5-222. Guidance on conducting a risk reduction audit, and preparing a risk reduction plan, have been prepared by the Air Resources Board and are available on their website (www.arb.ca.gov/ab2588/rrap.htm). The risk reduction plan must specify the risk reduction measures that were evaluated (Regulation 2-5-405.1), the measures the applicant has selected as being reasonable and a schedule for their implementation (Regulation 2-5-405.2). The plan must also provide supporting documentation necessary to justify the applicant's conclusion that a rejected risk reduction measure was infeasible, too costly, or otherwise not appropriate (Regulation 2-5-405.3).

3.3.6 Specific Findings Reports

Applications for projects that do not meet the project risk requirements of Regulation 2-5-302, and for which the applicant is requesting an exemption from 2-5-302 pursuant to the Regulation 2-5-112 specific findings exemption, should contain adequate information for the District to prepare a specific findings report as specified in Regulation 2-5-406. The application materials should include adequate descriptions of the facility operations before the project is installed (pre-project case) and after installation of the project, replacement or shut down of any operations being eliminated, and installation of TBACT and all required risk reduction measures (post-project case). The applicant must either conduct health risk screening analyses for the pre-project and post-project cases or provide all information needed for the District to conduct these analyses. This application should also include: (1) the period of time over which the emissions from the project are expected to occur, (2) the location of the project relative to any nearby hospital, day-care center, or schools, (3) any federal, state, or local mandates that require the permit applicant to install or modify the proposed source(s), and (4) any benefits that the applicant feels the project would have on the local community.

3.3.7 Net-Project Health Risk Demonstration

Applications are not required to contain a net-project health risk demonstration (as defined in Regulation 2-5-215), but such a demonstration can be used to limit the scope of a risk reduction plan or be provided for consideration in a specific findings report. Reductions in baseline TAC emissions from existing on-site sources, which are shut-down or curtailed, or where the emissions or health risks are otherwise reduced, can be used to show that net health risks will not increase above the project risk limits given in Regulation 2-5-302. The demonstration must be made for every applicable receptor location. Reductions in health risks should be demonstrated using health risk screening procedures that are no less refined than the procedures that are used for estimating the increase in health risks for the proposed project.

3.4 Additional Completeness Criteria

As discussed in MOP, Volume II, Part 2, Section 6, a permit application will be declared complete when the applicant has provided sufficient information for the District to fully characterize the emissions from all new or modified sources and to determine whether or not these devices will comply with all applicable requirements. The completeness criteria checklist for general permit applications (see MOP, Volume II, Part 2, Section 6) should be used as a starting place for applications involving new and modified sources of TACs. The checklist below should be used for applications with new or modified sources of TAC in addition to the general permit application completeness criteria checklist. The following checklist expands on a few items listed in the general checklist and identifies additional criteria that are necessary before an application involving new/modified sources of TACs will be declared complete.

Additional Completeness Criteria for Projects with TAC Emissions

- ❑ Identify all sources, abatement devices, and emission points in the current application that emit TACs. Provide the application numbers for any related projects (new or modified sources permitted within the last two years or any previous applications since January 1, 1987, for a modified source).
- ❑ Provide maximum hourly and maximum annual TAC emission rates or sufficient information for the District to calculate these TAC emission rates. Supply all necessary supporting documentation: data forms; maximum operating times; maximum storage capacities, fuel usage rates, or other operating rates; equipment specifications; vendor guarantees; emission calculations; source test data; and emission factor citations.
- ❑ For any source or project with a TAC emission rate that exceeds a Table 2-5-1 TAC trigger level, complete a Risk Screening Analysis (RSA) form (<http://www.baaqmd.gov/permit/forms/riskscr2.doc>). One RSA form is required for each source of TAC emissions in the project. If a source has multiple emission points or if multiple sources vent to a single emission point, one RSA form is required for each stack or emission point. RSA forms are also required for any fugitive emission sources or area or volume sources. The information requested on the RSA form may be alternatively provided in tabular form.
- ❑ Provide maps and/or aerial photographs of the facility and surrounding community. The maps should be drawn to scale, specify compass directions, and identify the location of each stack (or area for an area source) that emits a TAC, the property lines for the facility, and the nearest residential and worker receptors. For any stacks or emission points that are located near buildings or structures, the map should also indicate the location, dimensions, and height of each of the nearby structures.
- ❑ Provide information necessary to demonstrate compliance with TBACT requirements, such as: descriptions of control methods or abatement devices, vendor guarantees, certified emission factors, emission calculations, destruction efficiencies, source test results, or other data.

- For any project that does not meet the project risk requirements of Regulation 2-5-302, and for which the applicant would like to petition the APCO to make a specific findings exemption, provide a written petition and a Risk Reduction Plan that includes the following:
 - List of all risk reduction measures that were considered,
 - List of all risk reduction measures that will be implemented, and
 - For any risk reduction measures that will not be implemented, provide a rationale for not implementing the measure and provide supporting documentation to justify this rationale.
- For applications involving a net-project health risk demonstration, provide the following:
 - List of all sources being shut down or replaced.
 - Adjusted baseline TAC emissions from each source being shut down or replaced, calculated in accordance with Regulation 2-5-602, and all documentation necessary to support the calculated emission rates.
 - Health risk screening analyses for the pre-project and post-project scenarios and a comparison of these health risk analyses for all applicable receptors, as necessary to support a net-project health risk demonstration, or:
 - Completed Risk Screening Analysis form for each source being shut down or replaced, and
 - Maps showing the location of the emission point(s) for each source being shut down or replaced.
- For any project that requires a Specific Findings Report pursuant to Regulation 2-5-406, provide the following:
 - Specific findings petition containing all information required by Regulation 2-5-404.
 - List of all existing permitted sources and abatement devices at the facility that emit TACs.
 - List of all proposed new or modified sources of TACs.
 - List of all equipment that will be shut down, replaced, or controlled including any proposed risk reduction measures.
 - Maximum source emissions, calculated in accordance with Regulation 2-5-601, for each permitted source of TAC emissions at the facility for the post-project case. The post-project case includes installation of the project, elimination or replacement of sources (if applicable), and implementation all required TBACT controls and any proposed risk reduction measures.

- o Adjusted baseline emissions, calculated in accordance with Regulation 2-5-602, for the pre-project case. The pre-project case includes all currently permitted sources, abatement devices, operations, and conditions.
- o Health risk screening analyses for both the pre-project and post-project cases; or, all information necessary for the District to conduct these analyses.
- o An evaluation of the uncertainty of any health risk screening analysis that is conducted by the applicant.
- o The periods of time over which the post-project emissions (both acute and chronic) are expected to occur.
- o A map showing the locations of any hospitals, day-care centers, or schools that may be impacted by the project.
- o A list of any local, state, or federal mandates that require the applicant to install a new source or modify an existing source that is part of the project.
- o A list of any benefits that the project would have on the local community.
- o The preliminary or final CEQA determination for the project.

4. REGULATION 2, RULE 5: NEW SOURCE REVIEW OF TACs

District Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants (TACs) implements the District's Air Toxics New Source Review Program for new and modified sources of TAC emissions. This rule includes health impact review requirements and sets criteria for acceptable projects. The applicability of this rule and the standards are discussed in more detail below.

4.1 Applicability

As described in Regulation 2-5-101, Regulation 2, Rule 5 applies to all new and modified sources that: (a) are required to have a District permit and (b) emit a TAC listed in Table 2-5-1. These applicability criteria are discussed in more detail below.

4.1.1 Sources That Are Subject To Regulation 2, Rule 5

Any new or modified source, which has an emission rate of a TAC that is greater than an acute or chronic trigger level listed in Table 2-5-1, is subject to Regulation 2, Rule 5, if the source is required to have a District permit. Any new or modified source that has an emission rate of a TAC exceeding a TAC trigger level may be required to have a permit to operate

pursuant to Regulation 2-1-316.1. Therefore most new and modified sources with TAC emissions over a trigger level are subject to Regulation 2, Rule 5, except as described in Section 4.1.2 below.

If a new and modified source has no TAC emissions over the trigger levels, the source may possibly be subject to Regulation 2, Rule 5, if the source is part of a larger project. Sections 4.1.2 and 4.1.3 below describe the criteria that must be met before a source with emissions less than the TAC trigger levels can be excluded or exempted from the requirements of Regulation 2, Rule 5.

4.1.2 Sources That Are Not Subject To Regulation 2, Rule 5

In accordance with Regulation 2-5-101, sources that are exempt from permitting requirements pursuant to Regulation 2, Rule 1 are not subject to Regulation 2, Rule 5. Sources that are exempt from permit requirements (pursuant to Regulation 2, Rule 1, Sections 103 - 128) and that emit TACs at less than the Table 2-5-1 trigger levels are clearly exempt from permit requirements; and are therefore not subject to Regulation 2, Rule 5.

Most sources with emissions exceeding a TAC trigger level are subject to Regulation 2, Rule 5. However, sources that would normally be exempt from permit requirements (pursuant to Regulation 2, Rule 1, Sections 103 or 114-128), but that have an emission rate over a TAC trigger may potentially retain an exemption from permit requirements as described in Regulation 2-1-316.1. The owner/operator of any such potentially exempt sources should submit a permit application in accordance with MOP, Volume II, Parts 2 and 4. The procedures in Section 2.4 above shall be used to determine the health impacts of the potentially exempt source. If this analysis indicates that the source will comply with the TBACT requirements (if applicable) of Regulation 2-5-301 and the project risk limits of Regulation 2-5-302, then the source will be allowed to retain the exemption from permit requirements. Any source which is found to be exempt from permit requirements using these procedures, is thereafter not subject to Regulation 2, Rule 5, pursuant to Regulation 2-5-101, unless the source is modified and the modification results in new or additional TAC emissions.

In accordance with Regulation 2-5-101, Regulation 2, Rule 5 only applies to new and modified sources. Any source, which is determined to be not a new source and not a modified source

pursuant to the definitions in Regulations 2-5-216 and 2-5-214, respectively, is not subject to Regulation 2, Rule 5. Sources meeting these criteria include grandfathered sources that have not been modified since January 1, 1987 and sources that have lost an exemption from permitting requirements pursuant to Regulation 2-1-424 or 2-1-425.

4.1.3 Sources That Are Exempt From Regulation 2, Rule 5

Although new and modified sources that have emissions above a TAC trigger level are generally subject to Regulation 2, Rule 5, new or modified sources that have emissions below all the TAC trigger levels are not necessarily exempt from Regulation 2, Rule 5. Sources with emissions less than the TAC trigger levels are only exempt from Regulation 2, Rule 5 (pursuant to Regulation 2-5-110), if TAC emissions from the entire project are less than the Table 2-5-1 TAC trigger levels. A project is defined in Regulation 2-5-217 as all new and modified sources within an application, and all new and modified sources permitted within two years of the completion date of the current application, and any modified source in the project with consecutive modifications occurring after January 1, 1987. In other words, a source with emissions less than the TAC trigger levels could be subject to Regulation 2, Rule 5, if it is part of a larger project that has total combined emissions over a TAC trigger level. These requirements were put in place to prevent circumvention of Regulation 2, Rule 5. A source permitted within the two year time period may be excluded from the project only if the APCO is satisfied that the source is not related to the other affected source(s) by any functional or business purpose.

The requirements of Regulation 2, Rule 5 are intended to apply to routine and predictable emissions from a source or operation. Emissions arising from a non-routine or unpredictable process upset, an unintentional spill, leak, or other emergency situation are generally not subject to Regulation 2, Rule 5. Regulation 2-5-111 clarifies the applicability of the Toxic NSR rule for emergency standby engines. Pursuant to Regulation 2-5-111, emissions arising from emergency use of an emergency standby engine are exempt from the requirements of Regulation 2, Rule 5. Emissions arising from non-emergency use are subject to Regulation 2, Rule 5. Regulation 9, Rule 8, Sections 230 to 233 contain the pertinent definitions.

4.2 Best Available Control Technology for Toxics (TBACT)

Any source that is subject to this rule and that results in a cancer risk of more than 1.0 in one million (10^{-6}) or a chronic hazard index of more than 0.2 is required to have Best Available Control Technology for Toxics (TBACT). For cases where multiple sources vent to a single emission point, TBACT is generally required for all sources venting to that emission point. For sources or operations that are replacing an existing source or operation, a net-project health risk demonstration cannot be used to net out of TBACT.

TBACT can include abatement equipment, process modifications, material substitutions, control procedures, work practice standards, or a combination of these methods. For guidance on TBACT requirements for commonly permitted sources, consult the District's BACT/TBACT Workbook:

www.baaqmd.gov/permit/bactworkbook/default.htm

4.3 Project Risk Requirement

The project risk requirement of Regulation 2-5-302 applies to all new and modified permitted sources within a project. A project is defined in Regulation 2-5-217 and includes all new or modified sources in the current application, all new/modified sources that were permitted in the two years before the current application was declared complete, and any prior modifications (occurring after January 1, 1987) of a source that is being modified. Sources that are exempt from permitting requirements or that were permitted pursuant to a loss of exemption should not be considered part of a project.

All projects subject to this rule must comply with the project risk limits listed in Regulation 2-5-302.1 through 2-5-302.3 unless the applicant has satisfied the requirements of the Regulation 2-5-112 specific findings exemption. Otherwise, the permit to construct or operate will be denied. It is the District's intention that the specific findings exemption be granted only in relatively rare circumstances. Therefore, the vast majority of projects subject to this rule must have (a) a cancer risk of no more than 10.0 in one million (10^{-5}), (b) a chronic hazard index of no more than 1.0, and (c) an acute hazard index of no more than 1.0.

The project risk is determined based on the emission increases for the project. The project risk limits apply after installation of TBACT or other proposed control requirement. If an initial HRSA indicates that a project risk limit will be exceeded, the applicant will be given an opportunity to refine the project risk determination by accepting permit conditions that will limit operating time or emissions or by using site-specific data. However, if project emission increases still results in a project risk that exceeds a project risk limit and the applicant elects to

submit a specific findings petition pursuant to Section 2-5-404, the applicant must submit a risk reduction plan pursuant to Regulation 2-5-405. Applicants may use a net-project health risk demonstration to reduce the scope of a risk reduction plan, but this demonstration cannot be used to exempt an applicant from the requirement to submit a risk reduction plan, even if the net difference in health impacts will meet the project risk limits.

4.4 Facility Risk Requirement

The facility risk requirement is only applicable in rare cases where the project risk will exceed one or more of the project risk limits and the applicant has submitted a specific findings petition (Regulation 2-5-404) requesting a limited exemption pursuant to Regulation 2-5-112. The facility risk limits in Regulation 2-5-304 are consistent with the suggested project denial levels in the CARB Risk Management Guidelines for New and Modified Sources of Toxic Air Contaminants.

Facilities seeking to comply with Regulation 2-5-304 instead of 2-5-302 by using the specific findings exemption (2-5-112) must undergo a rigorous review of all TAC emission sources at the facility, must install all reasonable risk reduction measures for any sources of TAC emissions at the facility, must demonstrate that the facility will not have any significant adverse impacts on sensitive receptors, and must comply with all applicable CEQA requirements. Such projects are expected to either be mandated by a local, state, or federal regulation or provide significant benefits to the local community that would balance any proposed health impacts. The public will be given an opportunity to comment on any project seeking a specific findings exemption. The APCO will only approve such a project after all requirements of Regulation 2-5-404 through 2-5-408 have been satisfied and all public comments have been considered.

5. GLOSSARY

AP-42

An EPA document: Compilation of Air Pollution Emission Factors, fifth edition, that describes emission factors for various source types.

APCO

Air Pollution Control Officer

ATCM

Air Toxic Control Measure

BACT

Best Available Control Technology

CAA

The federal Clean Air Act

Cal/EPA

California Environmental Protection Agency

CAPCOA

California Air Pollution Control Officers Association

CARB

California Air Resources Board

CATEF

California Air Toxic Emission Factors is a database of toxic emission factors for various source types that is maintained by CARB.

CFR

The Code of Federal Regulations

EPA

The U.S. Environmental Protection Agency

HAP

Hazardous Air Pollutant

HRSA

Health Risk Screening Analysis

MACT

Maximum Available Control Technology

MOP

The District's Manual of Procedures

NESHAPS

National Emission Standards for Hazardous Air Pollutants

NSPS

Standards of Performance for New Stationary Sources

NSR

New Source Review

OEHHA

Cal/EPA Office of Environmental Health Hazard Assessment

REP

Risk Evaluation Procedure

RSF

Risk Screening Fee

RMP

Risk Management Policy

TAC

Toxic Air Contaminant

TBACT

Best Available Control Technology for Toxic Emissions